

# PROGRAM HISTORY\*

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This section contains descriptions, funding, eligibility, and the history of major changes for each of the following local assistance programs.<sup>1</sup>

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<sup>1</sup>The history of major program changes includes legislation that have resulted in the most significant reforms or policy changes and budget adjustments, but is not a comprehensive list of all legislation impacting the program. This section excludes any budget proposals that are yet to be approved by the Legislature.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

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## **Adoption Assistance Program\***

### **DESCRIPTION:**

The AAP federal subsidies were created by Congress (through PL 96-272, the Adoption Assistance and Child Welfare Act of 1980) to encourage the adoption of special needs children and to remove the financial disincentives for families to adopt. Recognizing that adoptive parents often experience financial difficulty meeting the special needs of children who were formerly placed in California's FC system, the state Legislature created the AAP.

In creating the program, the Legislature intended to benefit children in FC by providing the security and stability of a permanent home through adoption. Children may receive a federally funded subsidy under Title IV-E of the Social Security Act or a non-federally funded subsidy per W&IC section 16120(i).

An adopted child who receives AAP benefits from California may move anywhere in the world and the adoptive parent(s) will still receive monthly subsidy payments until the child reaches the age of 18 or 21, if eligible. The benefits available for AAP eligible children may include a negotiated monthly assistance payment, medical insurance through Medi-Cal/Medicaid, reimbursement of nonrecurring adoption expenses (up to \$400 per child per adoption), payment for residential treatment for temporary resolution of a mental, emotional, or behavioral problem, payment for Wraparound Services, and continuation of AAP benefits in a subsequent adoption.

### **FUNDING:**

Effective July 2011, the AAP is funded with Title IV-E of the Social Security Act, LRF, and county funds.

### **ELIGIBILITY:**

To meet the AAP eligibility requirements a child must be under the age of 18 or a non-minor dependent, meet the three-part special needs determination, meet a Title IV-E or non-federal eligibility path, and be a United States citizen or a qualified alien. If the child is deemed eligible, the responsible public agency will negotiate a signed adoption assistance agreement with the adoptive parents prior to the adoption finalization.

The AAP benefit shall not exceed the rate the child would have received had they remained in FC and not been adopted. If the child has care and supervision needs beyond basic care and supervision, they may qualify for a SCI, in addition to the AAP basic rate. A child who is developmentally delayed and eligible to receive California Regional Center services may qualify for the dual agency rate plus a supplemental rate, if eligible.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Adoption Assistance Program\*

### OTHER PROGRAM INFORMATION:

Historical Expenditures (in millions)

| FY                   | Total     | Federal | State/LRF <sup>1</sup> | County  |
|----------------------|-----------|---------|------------------------|---------|
| 2007-08              | \$706.7   | \$294.2 | \$309.4                | \$103.1 |
| 2008-09              | \$754.1   | \$314.6 | \$329.6                | \$109.9 |
| 2009-10 <sup>2</sup> | \$798.0   | \$366.8 | \$323.4                | \$107.8 |
| 2010-11 <sup>2</sup> | \$823.2   | \$370.3 | \$339.7                | \$113.2 |
| 2011-12              | \$853.3   | \$350.0 | \$377.5                | \$125.8 |
| 2012-13              | \$895.4   | \$365.9 | \$397.1                | \$132.4 |
| 2013-14              | \$918.5   | \$376.2 | \$406.7                | \$135.6 |
| 2014-15              | \$947.7   | \$386.3 | \$421.1                | \$140.3 |
| 2015-16              | \$984.0   | \$404.8 | \$434.4                | \$144.8 |
| 2016-17              | \$1,025.2 | \$424.9 | \$450.2                | \$150.1 |

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 2008 - 2010

##### De-Link – PL 110-351

A provision of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 gradually removed the path to Title IV-E AAP eligibility based on the 1996 AFDC income requirements. The De-Link implemented in FFY 2010. A child defined in the law as an “applicable child” will no longer need to meet the 1996 AFDC income requirements to be eligible for Title IV-E funding. Another provision of the law is a requirement that a Title IV-E agency spend any savings generated from implementing the revised adoption assistance eligibility criteria on new or expanded services related to Title IV-E or Title IV-B, post adoption, post guardianship, and services to support and sustain positive permanent outcomes for children who otherwise might enter into FC. This requirement is known in California as AAP De-Link, and the methodology to determine the savings is described in [CFL No. 18/19-35](#). The W&IC section 16118(d) currently meets this requirement.

<sup>1</sup>Beginning in FY 2011-12 funding moved from GF to LRF.

<sup>2</sup>The FFP includes the impact of the ARRA adjustment.

\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.

## **Adoption Assistance Program\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

#### **Extension of AAP to Age 21** – PL 110-351

A provision of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allowed states to expand the eligibility criteria for the extension of AAP benefits beyond age 18 to age 21 for initial Adoption Assistance Agreements executed on or after age 16.

#### **2011**

#### **De-Link** – PL 112-34

A provision of the federal Child and Family Services Improvement and Innovation Act requires Title IV-E agencies to document how savings are spent when using the applicable child eligibility criteria in the Title IV-E AAP. California began the process of implementing this requirement under 2011 Realignment.

#### **2012**

#### **Non-Minor Dependent Adoptions** – W&IC section 161200

Eligibility criteria was expanded to allow for a non-minor dependent adoptee subject of an adoption pursuant to W&IC section 366.31 of subdivision (f), to meet AAP eligibility criteria and receive benefits after age 18 up to age 21.

#### **2017**

#### **Home-Based Family Care Rate** – W&IC section 11453, 11460 through 11463, 16000, 16121(a)(5), 18358.30, and 18987.72

The home-based family care rate reflects reform to the state's current rate structure. This new structure replaces the age-based rate structure for out-of-home placements with a rate structure based on an assessed LOC rate determination protocol for initial Adoption Assistance Agreements executed on or after January 1, 2017. For more information, refer to the CCR premise in the Estimate Methodologies section of this binder.

#### **2018**

#### **Eligibility** – PL 115-123

The Family First Prevention Services Act of 2018 revised the implementation dates for the applicable age requirement. Effective January 1, 2018 through June 30, 2024, children who are under the age of two years and will not be turning age two years within a FFY during the delay will not meet the applicable age requirement. Therefore, children under two who would have only been federally eligible due to the applicable age requirement will not be eligible for FFP. Children under two who meet the existing requirements for federal eligibility can still receive FFP.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

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## **Adoptions Program<sup>\*</sup>**

### **DESCRIPTION:**

The Adoptions Program provides adoption-related services through a collaboration of public and private adoption agencies in the state. There are currently five types of adoptions in California, three of which are regulated by the state: Agency, Independent, and Intercounty. CDSS does not regulate or provide funding for step parent or adult adoptions.

#### **Agency Adoptions**

Through public and private adoption agencies, children who have been abused, neglected, and/or exploited and are under the jurisdiction of a juvenile court are placed into homes approved for adoption when returning to their parents is not an option. Adoptions of children who have been voluntarily relinquished by parent(s) to private agencies also come under the auspice of this program but do not receive public funding.

#### **Tribal Customary Adoptions**

This type of Agency Adoption is for children who are under the jurisdiction of a juvenile court and eligible under the Social Security Act, Indian Child Welfare Act, and the California W&IC sections 10553.1 and 10553.2. This type of adoption must consider the customs, laws, and traditions of a child's tribe.

#### **Independent Adoptions**

The primary role of CDSS and the delegated counties (Alameda, Los Angeles, and San Diego) in an independent adoption is to investigate a proposed adoption. The agency must complete the investigation and submit a report to the court when a petition has been filed by any of the following: a relative, a person named in the will of a deceased parent, a legal guardian or a person with whom a child has been placed by the birth parents. Only CDSS and the delegated counties handle Independent Adoptions.

### **FUNDING:**

Effective July 2011, the Adoptions Program is funded with Title IV-E of the Social Security Act, LRF, and county funds. Counties have the option to provide their services directly, contract with another county, or contract with CDSS. Private agency activity costs incurred in the adoption of a child in the custody of a public agency are reimbursed through the Private Adoption Agency Reimbursement Program.

Agency adoptions are funded by a combination of county and federal funds, and collected fees. Independent adoption services are funded by a combination of county and state funds and collected fees.

### **ELIGIBILITY:**

Private adoption agencies are required to be licensed by CDSS. While the requirements vary somewhat across the various types of adoptions, prospective adoptive parents must be assessed by an adoption agency. Similarly, children can qualify for the services through parent relinquishment to a public adoption agency, a referral by the juvenile court, or an independent adoption petition. With the exception of tribal customary adoption, parental rights of birth parents must be terminated prior to adoption.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Adoptions Program<sup>\*</sup>

### ELIGIBILITY (CONTINUED):

In an independent adoption, the birth parent(s) personally selects the prospective adoptive family based on personal knowledge about them. The birth parent(s) place the child directly with the selected family without the involvement of an adoption agency. Additionally, adoption service providers are certified by CDSS, and are required to advise birth parents of their rights and assist the birth parents in completing an adoptive placement agreement.

Adoption requirements are detailed in W&IC, Health and Safety Code, Family Code, and regulations. They outline the requirements for both public and private operation of adoption agencies and the direct adoption services provided by licensed adoption agencies.

### OTHER PROGRAMS:

The AAP is intended to remove barriers to adoption of children with special needs, primarily those in the care of a county child welfare agency. For more information on AAP, refer to the AAP section.

The Private Adoption Agency Reimbursement Program reimburses private agencies for activities performed on behalf of children in the care of a public agency and who are eligible for AAP.

### OTHER PROGRAM INFORMATION:

Authorizing Statute: W&IC sections 16100 through 16106

#### [Agency Adoptions through FY 2015-16:](#)

Program data can be found on the CDSS Data Systems Design Bureau's website at:  
<http://www.cdss.ca.gov/research/res/pdf/Childtrends/AD56AAgencyAnnual.pdf>

(This report is no longer updated)

#### [Independent Adoptions through FY 2017-18:](#)

Program data can be found at the CDSS Data Systems Design Bureau's website:  
<http://www.cdss.ca.gov/research/res/pdf/Childtrends/AD56DIndependentAnnual.pdf>

### Intercountry Adoptions

Intercountry adoptions must meet the requirements of the International Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, an international agreement to safeguard intercountry adoptions. This convention became effective in the United States on April 1, 2008. Program data can be found at the United States Department of State's website at: [http://adoption.state.gov/about\\_us/statistics.php](http://adoption.state.gov/about_us/statistics.php)

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## Adoptions Program\*

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 1980

**Adoption Assistance and Child Welfare Act of 1980** – W&IC sections 16115 through 16125  
Title 22 sections 35325 through 35352.2

The Act authorized significant funding to states that supported adoption assistance (subsidy) programs for adoptions of children with special needs, established permanency planning, and devoted resources to family preservation, reunification, and the prevention of abuse, neglect, and child removal.

#### 1996

**The 1996 Adoptions Initiative** – W&IC sections 361.5, 366.21, 366.26, 16100, 16122, and 16501

This initiative was introduced to maximize adoption opportunities for children in public FC by doubling funding over three years to county adoption agencies to meet performance targets for the adoption of FC children. This investment more than doubled the annual adoptions of foster children, which has been a significant factor in reducing the number of children in FC.

#### 1997

**Adoption and Safe Families Act** – Family Code sections 8700, 8707, 8708, 8710.1, 8710.2, 8710.3, 8710.4 and 8711; Health and Safety Code sections 1502.6, 1505 and 1530.8; W&IC sections 319, 361.3, 361.5, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 366.4, 10950, 11155.5, 11400, 11401, 11404.1, 11478.1, 16100, 16120, 16501.1, 16131, and 16508.1

This Act stressed permanency planning for children and created adoption incentive awards to states for increasing adoptions.

#### 2000

**Inter-Country Adoption Act of 2000** – Family Code sections 8521, 8533, 8900, 7901.1, 7906.5, 8900.5, 8921, 8923, 8924 and 8925; Health and Safety Code sections 1502, 1503.5, 1522, 1522.05 and 1522.1; Penal Code sections 11079, 11105, 11167.5 and 11170; W&IC sections 291, 293, 294, 295, 361.4, 361.5, 366.21, 366.22, 366.26, 16500.1, and 16501.1

This Act implemented The Hague Adoption Convention, which codified guidelines to safeguard children by establishing international standards for inter-country adoptions. It became effective in the United States on April 1, 2008.

#### 2003

**Adoption Promotion Act of 2003** – PL 108-145

This Act amended Title IV-E requirements to provide payments for special needs adoptions and adoptions of children over eight years old for states eligible to receive Adoption Incentives payments.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Adoptions Program\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2006

##### **Safe and Timely Interstate Placement of Foster Children Act of 2006** – PL 109-239

The Act requires states to complete FC and adoption home studies requested by other states within 60 days, or 75 days under certain circumstances. States must accept studies received from other states within 14 days unless found to be contrary to the well-being of the child. The Act also authorized incentives to states that complete interstate home studies within 30 days and increased the frequency of caseworker visits for children in out-of-state FC placements.

#### 2008

##### **Fostering Connections to Success and Increasing Adoptions Act of 2008** – PL 110-351

This Act promotes permanency and improves outcomes for children in FC through policy changes in six key areas: 1) support for kinship care and family connections; 2) support for older youth; 3) coordinated health services; 4) improved educational stability and opportunities; 5) incentives and assistance for adoption; and 6) direct access to federal resources for Indian tribes.

#### 2011-2012

**Child Welfare Realignment** – Government Code sections 30025, 30027, 30028.5, 30029.3, 30029.4, and 30061; Penal Code section 13821; W&IC sections 1954, 10823, 17600, 17600.10, 17601.20, 18220, and 18220.1; Government Code sections 29553, 30061, and 30070, and Chapter 6.3 (commencing with section 30025) to Division 3 of Title 3; Penal Code sections 1465.8 and 13821; Revenue and Taxation Code sections 6051.15 and 6201.15

Through the Budget Act of 2011 and related legislation, the responsibility to provide public adoption services was realigned to counties. As a result, counties were no longer required to be licensed for this function. Counties were allowed to either provide these services directly or contract with CDSS, another county, or a consortium of counties to provide the services.

The responsibility for child welfare and protective services was realigned to the counties in 2011 as part of 2011 Public Safety Realignment. Pursuant to Proposition 30, legislation enacted after September 30, 2012, that has the overall effect of increasing the costs incurred by a local agency for programs or levels of service mandated by 2011 Realignment shall apply to local agencies only to the extent that the state provide annual funding for the cost increase. Local agencies are not obligated to provide programs or levels of service required by legislation above the level for which funding has been provided. For more information regarding funding post 2011 Realignment, refer to the 2011 Realignment section in this binder.

#### 2012-2014

##### **Intercountry Adoption Universal Accreditation Act of 2012** – PL 112-276

The Act added provisions to the Intercountry Adoption Act of 2000 (PL 106-279) including adding a requirement that all United States Intercountry adoption agencies receive accreditation from the Council on Accreditation and provide uniform standards and accountability for adoption agencies regardless of whether the case falls under The Hague Adoption Convention. In addition, the Act requires Adoption Service Providers to follow the same accreditation or approval process required of Adoption Service Providers that handle Hague Convention cases.

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## CalFresh\*

### DESCRIPTION:

CalFresh (formerly known as Food Stamps) is California's version of the federal SNAP. The SNAP is an entitlement program that provides all eligible low-income households with federally-funded monthly benefits to purchase the food needed to maintain adequate nutrition.

The CFAP is a state funded benefit that provides monthly food benefits to eligible legal noncitizens over the age of 18 who meet all federal SNAP eligibility criteria, but have resided in this country for fewer than five years and are therefore not eligible for federal SNAP benefits.

Benefits can be used to purchase any food or food product intended for human consumption. Benefits may not be used for items such as alcoholic beverages, cigarettes, or paper products.

The program is administered at the federal level by the USDA FNS. This includes the determination of eligibility standards and benefit levels. CDSS is the designated state agency responsible for program oversight in California and the 58 counties are responsible for local administration and benefit delivery.

CalFresh benefits are issued through an EBT card which cardholders can use to access food benefits at point-of-sale terminals authorized by the FNS. Grocers and other retailers are reimbursed directly by the federal government for the dollar value of the CalFresh benefits.

### FUNDING:

CalFresh benefits are 100 percent federally funded. Funding for CalFresh administration costs is 50 percent federal funds, 35 percent GF, and 15 percent county funds, with the exception of state-mandated program changes. State-mandated program changes are funded 50 percent from federal funds and 50 percent from the GF. The CFAP is funded 100 percent by the GF.

### ELIGIBILITY:

To participate in CalFresh, households must meet certain income eligibility standards. The gross income limit is 200 percent of the FPL, with certain exceptions, and the net income limit is 100 percent of the FPL. Households that include at least one member who is age 60 or older and/or disabled must only meet the net income limit.

There are two categories of CalFresh households: Public Assistance CalFresh households are those in which all members receive CalWORKs benefits, and NACF households are those in which at least one member does not receive CalWORKs benefits.

Other eligibility factors include residency, citizenship, and registration for employment.

#### **Categorical Eligibility**

Households who receive or are eligible to receive cash assistance under CalWORKs or General Assistance/General Relief programs are categorically eligible for CalFresh. This means that CalFresh defers to CalWORKs and General Assistance/General Relief eligibility factors. Households who qualify for Modified Categorical Eligibility, a policy to approve CalFresh benefits without regard to other resources, must have income at or below 200 percent of the FPL and meet all other factors of eligibility. These households are conferred Modified Categorical Eligibility through receipt of or access to the TANF-funded PUB 275 "Family Planning" brochure.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalFresh\*

### OTHER PROGRAMS:

#### **Transitional CalFresh Benefits**

The Transitional CalFresh Program continues benefits for families terminating participation in the CalWORKs program in good standing without the need to re-establish CalFresh eligibility. Households that lose their CalWORKs cash aid benefits receive five months of Transitional CalFresh benefits, unless the reason for losing CalWORKs makes them ineligible for Transitional CalFresh.

#### **Restaurant Meal Program**

The Restaurant Meal Program is an optional county program that enables certified homeless, disabled and elderly CalFresh households to use benefits to purchase meals at participating restaurants. The counties that currently operate a Restaurant Meal Program include Alameda, Los Angeles, Orange, Riverside, Sacramento, San Francisco, Santa Clara, Santa Cruz, San Diego, and San Luis Obispo. These counties comprise just over 55 percent of the state's total CalFresh caseload. Fresno County has been approved and will begin operating a Restaurant Meal Program in the near future.

#### **SNAP-Ed**

To improve the health and nutrition of California's low-income residents, CDSS has contracted with partner agencies and initiated county projects to provide SNAP-Ed services. The goal of SNAP-Ed is to increase fruit and vegetable consumption and physical activity levels among the CalFresh and potential CalFresh-eligible populations.

CDSS SNAP-Ed projects include EatFresh.org and the Public Health Institute Center for Wellness and Nutrition. EatFresh.org provides USDA-approved nutrition, recipe, and county resources designed for low-income Californians and organizations that serve them. The Public Health Institute Center for Wellness and Nutrition implements the State Action Nutrition Committee, the County Social Services SNAP-Ed Toolkit, the Program Evaluation and Reporting System, and the State Branding Project. In addition, CDSS partners with the DHCS and California State University, Sacramento, to coordinate efforts to improve the health and nutrition of California's low-income population. Other state-level partners include the CDPH, UC Davis, the California Department of Aging, and Catholic Charities of California.

#### **CalFresh Outreach**

CalFresh Outreach provides program awareness and application assistance throughout California. CDSS contracts with eleven agencies to conduct outreach efforts: 1) California Association of Food Banks; 2) California State University, Chico; 3) Center for Healthy Communities; 4) Catholic Charities of California; 5) Code for America; 6) INFO LINE 2-1-1 San Diego; 7) Inland Behavioral Health Services; 8) Mexican American Opportunity Foundation; 9) North East Medical Services; 10) Providence Little Company of Mary Medical Center; 11) Redwood Community Health Coalition; and 12) Santa Ynez Valley People Helping People.

#### **CalFresh Employment and Training Program**

The CalFresh Employment and Training Program is an optional county program designed to improve employability and increase the self-sufficiency of NACF applicants and recipients. In 2016, this program began operating in select community colleges as well. Program participants are assigned to components that include Job Club, job search, workfare, vocational training,

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalFresh\*

### OTHER PROGRAMS (CONTINUED):

and basic education, including English as a second language. Participants are reimbursed for transportation and other ancillary costs needed to take part in the program. Those who are required to participate in the program and fail to do so without good cause become temporarily ineligible for CalFresh benefits.

#### **Disaster CalFresh Program**

The Disaster CalFresh Program establishes temporary eligibility standards for victims of a disaster, such as a flood, fire, or earthquake. A major disaster is determined by declaration of the President of the United States. Some disaster expenses, such as costs to repair damage to a home or property which is necessary to continue work, temporary shelter expenses, and expenses for moving out of an evacuated area are taken into consideration when determining eligibility for disaster food benefits. If eligible, benefits are issued on the same day or within 72 hours from the time of application. Recipients are not required to repay these benefits.

### OTHER PROGRAM INFORMATION:

Two types of error rates are used to measure program performance for CalFresh. The active error rate measures whether a household is receiving the correct allotment of benefits. States can be subject to federal fiscal sanctions based on how their active error rate performance compares to the national average. California's active error rate for FFY 2017 was 7.93 percent. The national active error rate for FFY 2017 was 6.30 percent. The case and procedural error rate measures whether a case was accurately denied or terminated and if procedures such as adequate notice were correctly followed. Currently, there are no fiscal liabilities associated with the case and procedural error rate.

### HISTORY OF MAJOR PROGRAM CHANGES:

1998

#### **Food Stamp Administrative Reduction** – PL 105-185

This PL reduced the federal reimbursement of food stamp administrative costs, based on the amount charged to the former AFDC program (the cash aid program prior to TANF) that could have been allocated to the Food Stamp Program and Medi-Cal for common administrative costs. This resulted in a shift of \$58.8 million in costs from federal funds to the GF.

#### **CFAP State-Only Expanded Program** – W&IC section 18930 and 18901.7

Originally, CFAP served legal noncitizens who were under 18 or over 64 years of age. The program was expanded to serve all legal noncitizens. At this time, all CFAP recipients must have legally been in the United States prior to August 22, 1996 and must have met all other federal food stamp eligibility criteria otherwise.

2001

#### **Inaccessible Vehicle Resources** – Federal Food Stamp regulations, sections 273.8 and 273.8(f)

Initially, the first \$4,650 of fair market value of any vehicle was exempt from family resource limits for purposes of eligibility and benefits determination. Effective June 1, 2001, any licensed

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## CalFresh\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

or unlicensed vehicle is considered an inaccessible resource if its equity value is \$1,500 or less and one licensed vehicle per adult household member is exempt from the vehicle equity test.

#### 2002

##### **Food Stamp Reauthorization Act of 2002** – House Resolution 2646 Farm Bill

Effective October 2002, all legal noncitizens with a disability could become eligible for the federal Food Stamp Program. Effective April 2003, federal food stamp eligibility was expanded to all legal noncitizens that have lived in the United States for five years or more. Effective October 2003, eligibility was further expanded to all legal noncitizen children. This also included the following mandatory changes:

- The limit for resources (property or funds other than income) for households with an elderly/disabled member was increased from \$2,000 to \$3,000.
- The standard deduction was restructured from an equal amount for all households to 8.31 percent of the household's net income limit.

##### **Base Budget for Food Stamp Administration** – W&IC section 14154

The Food Stamp administration base funding for FY 2001-02 (and all subsequent years) was established at the FY 2000-01 funding level, which was formulated through the PCAB process and subsequently increased/decreased by caseload growth/decline.

#### 2003

##### **QR/Prospective Budgeting** – W&IC section 11265.2

The monthly reporting/retrospective budgeting system was replaced with a QR/Prospective Budgeting system for the CalWORKs and Food Stamp programs. Under QR/Prospective Budgeting, recipients' eligibility and benefits are determined for a three-month period using prospective budgeting and income averaging rules. Recipients have the option to report changes that would result in increased grant/benefits when they occur.

#### 2004

##### **Transitional Benefits** – W&IC section 18901.6

Transitional food stamp benefits were provided to households terminating their participation in the CalWORKs program without the need to re-establish food stamp eligibility. The household may receive up to five months of food stamp benefits in the same amount received prior to termination from CalWORKs, adjusted for the loss of the CalWORKs grant.

##### **Vehicle Exclusion** – W&IC sections 11155 and 18901.9

All vehicles were exempted from resource consideration in determining food stamp eligibility.

##### **Exemption from the Face-to-Face interview** – W&IC section 18901.10

Counties were required to screen applicants for the need to have a face-to-face interview as part of the application and recertification process and to grant, when appropriate, an exemption from face-to-face interviews.

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## CalFresh\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2006

##### **Simplification Options** – House Resolution 2646 Farm Bill

Options were provided to simplify the Food Stamp Program to allow the following:

- Certain income exclusions (education loans, grants, scholarships, and child support) and resource exemptions (restricted accounts, Individual Development Accounts, and Individual Retirement Accounts) consistent with the CalWORKs program.
- Child support payments to a non-participating household member to be treated as an income exclusion rather than a deduction.
- The use of the Standard Utility Allowance instead of allowing households the option of choosing the standard or actual costs.

#### 2008

##### **Non-Assistance Food Stamp Administration Reduction** – Budget Act of 2008

The county allocation of administrative costs was reduced by approximately \$21.0 million due to ongoing statewide fiscal challenges.

##### **Face-to-Face Waiver** – W&IC section 18901.10

Counties could waive the face-to-face intake interview to help streamline the application process and improve the Food Stamp Program's administrative efficiency. This policy was implemented statewide beginning 2012.

#### 2009

##### **American Recovery and Reinvestment Act of 2009** – PL-115

Participants in California's Food Stamp Program were provided a 13.6 percent increase in monthly benefits that began on February 17, 2009 and ended October 31, 2013.

##### **Expanded Categorical Eligibility Food Stamp Program** – W&IC section 18901.5

Categorical eligibility for the Food Stamp Program was expanded by waiving excess resource limits for households with minor children receiving TANF-funded benefits.

#### 2011

##### **Inter-County Transfer** – W&IC section 11053.2

An inter-county transfer process was implemented to ensure uninterrupted benefits for CalFresh households that move from one county to another.

##### **Extended Modified Categorical Eligibility** – W&IC sections 18900.1 and 18901.5

Categorical eligibility was extended by waiving excess resource limits for households that include elderly/disabled individuals receiving TANF-funded benefits.

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## CalFresh\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2012

##### **CalFresh Administration Base Veto** – Budget Act of 2012

A total of \$63 million (\$23 million GF) CalFresh administration funding was vetoed in conjunction with the Legislature's action to revert \$45 million GF that was unexpended in prior years.

##### **SFIS Elimination** – W&IC section 10830

The SFIS requirement for CalFresh households was eliminated beginning January 1, 2012.

##### **AR/CO** – W&IC section 11265.45

Effective October 1, 2012, reporting for CalWORKs child-only cases was reduced from four reporting periods and five reports under QR/Prospective Budgeting to one reporting period and one report under AR/CO. California was unable to obtain federal waiver approval to fully align CalFresh reporting to CalWORKs. Therefore, CalFresh converted child-only CalWORKs cases to change reporting. All AR/CO CalFresh households converted to SAR for CalFresh purposes effective October 1, 2013.

#### 2013

##### **Low Income Home Energy Assistance Program/Standard Utility Allowance (Heat and Eat)** – W&IC section 18901.2

All CalFresh-eligible households were provided a nominal Low Income Home Energy Assistance Program outreach service benefit, which qualifies those households to have the Standard Utility Allowance used in the computation of their CalFresh benefit allotments, resulting in an increase in the amount of nutritional support or new eligibility for some households.

##### **SAR** – W&IC sections 11265.1 and 11265.2

The QR system for households was replaced with a SAR system, which reduces the number of required income reports for non-child-only CalWORKs and CalFresh recipients to twice per year. In addition, a new mid-period income reporting threshold was imposed for CalFresh when household earnings reach 130 percent of the FPL. CalFresh cases with an associated CalWORKs case were also shifted to SAR.

##### **CalFresh Simplifications (e-Notifications and Telephonic Signatures)** – ACL 13-61

Counties may email notices in lieu of mailing hard-copy correspondence (NOA, informing notices, etc.) to households who elect this option. Counties may also implement the federal option to record signatures electronically, eliminating the need to send documents to households to sign and return.

#### 2014

##### **SUAS** – W&IC section 18901.2 and section 4006 of the Agricultural Act of 2014

CDSS implemented the SUAS effective July 1, 2014, replacing the Low Income Home Energy Assistance Program. CalFresh households who are not otherwise eligible for the Standard Utility Allowance in the computation of their CalFresh allotment, and who do not already receive the maximum allotment for their household size, are issued a \$20.01 cash payment once per

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## CalFresh\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

year. Receipt of the SUAS payment allows such households to have the Standard Utility Allowance used in their benefit calculation.

#### **Modified Categorical Eligibility for CalFresh** – W&IC section 18901.5

Effective July 1, 2014, the gross income limit for the TANF/MOE-funded service that confers Modified Categorical Eligibility was increased for all CalFresh households (except those that have been disqualified or sanctioned) to the federally allowed maximum of 200 percent of the FPL.

### 2015

#### **Drug Felon Eligibility for CalFresh** – W&IC section 18901.3

Effective April 1, 2015, the lifetime ban on CalFresh benefits for those convicted of certain drug felonies was lifted. The change was intended to bring greater stability to those released from prison as well as to decrease recidivism.

#### **Student Eligibility** – W&IC section 18901.11

Existing federal law provides that students who are enrolled in college or other institutions of higher education at least half time are not eligible for SNAP benefits unless they meet one of the several specified exemptions, including participating in specified employment training programs. Statute expanded CalFresh eligibility to students who participate in educational programs that could be a component of CalFresh Employment and Training. Effective October 1, 2015, students participating in certain educational programs qualify for an exemption. Eligible programs are determined by CDSS.

#### **Fleeing Felon Eligibility for CalFresh** – PL 110246 as implemented in 80 Federal Register 54410

In September 2015, the FNS published new rules clarifying and narrowing the definition of fleeing felon. The new rules allow a majority of previously ineligible adults to become eligible for CalFresh benefits. The rules became effective November 9, 2015, and were implemented in California on December 1, 2015.

### 2016

#### **Eliminating Change Reporting** – W&IC sections 11265.1, 11265.2, 11265.3 and 18910.

In July 2016, all households converted to SAR as CalFresh streamlined reporting requirements to use one household reporting system in the ongoing effort to gain administrative simplicity and increased program access to CalFresh. Under QR (California's reporting system prior to SAR), federal rules excluded migrant and seasonal farmworker households, homeless households, households in which all adults are elderly/disabled, and households living on Indian reservations from reporting quarterly and required these households to be assigned to Change Reporting. Change Reporting required households to report changes to certain eligibility factors (e.g., employment, income, residency, etc.) within 10 days of the change. Change Reporting was maintained for these households under California's implementation of SAR, but CalFresh's new reporting requirement took advantage of a federal option to employ a single SAR measure.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalFresh\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2017

##### **Disaster CalFresh** – W&IC sections 18917

Disaster CalFresh, federally known as the Disaster Supplemental Nutrition Assistance Program, is a way to meet the temporary nutritional needs of disaster victims within a 30-day period, following a natural disaster such as a flood, fire, earthquake, or any other natural disaster. Disaster CalFresh provides a month's worth of benefits on an EBT card which can be used to purchase food at authorized retail stores. Effective January 1, 2018, California implemented a series of new requirements pertaining to Disaster CalFresh:

- Counties are required to:
  - Submit an annual Disaster CalFresh plan, the required components of which will be determined by CDSS in consultation with stakeholders.
  - Develop mutual aid agreements between counties to assist in the implementation of Disaster CalFresh.
- CDSS is required to:
  - Offer Disaster CalFresh training.
  - Maintain Disaster CalFresh materials online.
  - Request Disaster CalFresh whenever a declaration of major disaster with Individual Assistance is made. The request will include mass replacement and a request to waive hot foods restrictions.
  - Ensure safe access to Disaster CalFresh application sites.
  - Provide EBT support for counties when operating Disaster CalFresh.

##### **CalFresh Overissuance Cost-Effective Threshold** – W&IC sections 18927

No later than January 1, 2019, CDSS shall finalize an analysis and make a determination as to whether it has adequate information to set a minimum statewide cost-effective threshold for collecting CalFresh overissuances from former CalFresh recipients that are caused by administrative error that is higher than the threshold.

Additionally, counties will be required to notify CDSS when a mass overissuance has been identified, and include information in the notification as to whether the mass overissuance is known to have been caused by either negligence, fraud, or a major systemic error. A mass overissuance is an overissuance that is caused by the same action or inaction and impacts either eight percent of the county CalFresh caseload, or more than 1,000 CalFresh households within the county, whichever is greater.

#### 2018

##### **ABAWD Time Limit** – 7 CFR section 273.24

California received a statewide waiver of the ABAWD time limit since 2008 due to a high statewide unemployment rate. Effective August 31, 2018, the statewide waiver expired. Due to improved economic conditions, three counties (Santa Clara, San Francisco, and San Mateo) became ineligible for the waiver of the ABAWD time limit beginning September 1, 2018. All counties, including those that continue to qualify for a waiver of the ABAWD time limit, are responsible for tracking ABAWDs and implementing the time limit.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalFresh\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

**2019**

#### **Reversal of SSI Cash-Out**

AB 1811 (Chapter 35, Statutes of 2018) reverses the CalFresh eligibility policy known as "cash-out," under which SSI/SSP recipients are ineligible for CalFresh. Effective June 1, 2019, individuals receiving SSI/SSP are eligible for CalFresh, provided all other eligibility criteria are met. Additionally, AB 1811 creates the Supplemental Nutrition Benefit Program and the Transitional Nutrition Benefit Program to mitigate the negative impacts (reduction or loss of CalFresh benefits) as a result of the change. AB 1811 also augments the grant amount for the CAPI for parity with SSI/SSP recipients.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

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## CalWORKs\*

### DESCRIPTION:

The CalWORKs program is California's version of the federal TANF program and provides temporary cash assistance to meet basic family needs. It also provides education, employment, and training programs to assist the family's move towards self-sufficiency. Components of CalWORKs include time limits on eligibility, work requirements, supportive services to encourage program participation, and parental responsibility.

### FUNDING:

The CalWORKs program is funded with a combination of federal, state, county, and realignment funds. California receives an annual \$3.7 billion TANF block grant. To receive TANF funds, California must provide a minimum amount of state expenditures, called the MOE, of \$2.9 billion annually. State-only programs funded with GF are countable towards the MOE requirement. Approximately 2.5 percent of assistance payments are county funded. Other county funds are made available through subaccounts from 1991 realignment to fund CalWORKs assistance payments. Additionally, California spends GF on CalWORKs programs which are not eligible to be counted as MOE expenditures.

### ELIGIBILITY:

To meet eligibility requirements, families must meet income and asset tests. In addition, children must be deprived of parental support and care due to underemployment of the principal wage earner or the incapacity, death, or absence of a parent. Persons fleeing to avoid prosecution, custody, or confinement after conviction of a felony are not eligible for CalWORKs.

#### Time Limits

State law provides for a cumulative 48-month lifetime limit on cash aid for adults. California provides a safety net program for children of adults who exhaust the 48-month time limit. The children may continue to receive cash aid, if otherwise eligible, up to age 18. The federal time limit for adults to receive TANF cash aid is 60 months.

#### Work Requirements

CalWORKs provides a wide array of services and supports for families to enter and remain in the workforce. Parents and caretaker adults, unless exempt from work requirements, are required to participate in WTW activities as a condition of receiving aid.

WTW activities include unsubsidized and subsidized employment, work experience, on-the-job training, grant-based on-the-job training, work study, self-employment, community service, adult basic education, job skills training, vocational education, job search/job readiness assistance, mental health counseling, substance abuse treatment, domestic abuse services, and other activities necessary to assist recipients in obtaining employment.

An adult in a one-parent AU is required to participate in WTW activities for an average of 30 hours per week each month or 20 hours per week each month if they have a child under the age of six. In a two-parent AU, one or both adults must participate in WTW activities for a combined total of an average of 35 hours per week. Adults who fail or refuse to comply with these WTW program requirements without good cause may be sanctioned, resulting in a reduction to their cash aid.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### ELIGIBILITY (CONTINUED):

Adults may receive a total of 24 months of flexible CalWORKs services and activities to address any barriers to employment. These 24 months need not be consecutive and can be used at any time during the adult's 48 months of eligibility. Once the 24 months have been exhausted, adults must meet the federal WPR requirements, unless they are exempted or receive an extension.

CalWORKs has a "universal engagement" requirement to ensure recipients are participating in appropriate WTW activities as soon as possible. Counties are required to develop WTW plans with a recipient within 90 days from the date an individual begins receiving cash aid.

Effective January 1, 2018, CalWORKs WTW participants who do not possess a high school diploma or equivalent may pursue that as their first activity in the WTW program. While education activities to earn a high school diploma or equivalent were always available, this program change aimed to streamline assignment of that activity.

Effective July 1, 2018, homework time may be counted towards participation requirements for participants in Self-Initiated Programs. Previously, homework time was not allowable in WTW plans for Self-Initiated Program participants, but were allowable for non-Self-Initiated Program CalWORKs participants.

### Supportive Services

Supportive services such as child care, transportation, ancillary expenses, mental health services, substance abuse services, and personal counseling are available for families participating in WTW activities. A recipient may be excused from participation in WTW activities for good cause and will not be sanctioned if required supported services are not available.

### Parental Responsibility

The CalWORKs program encourages parental responsibility by requiring parents to immunize their aided child under the age of six, and cooperate with child support enforcement. Failure to meet these requirements results in a reduction of the adult's portion of the grant.

### OTHER PROGRAMS:

#### Cal-Learn Program

Special supportive services and intensive case management services are available for pregnant and parenting teens. These services are provided through the Cal-Learn program, which is designed to encourage pregnant and parenting teens to return to and/or stay in school. Teens participating in Cal-Learn can earn bonuses for satisfactory progress on report cards throughout the school year. However, a teen can also be sanctioned for failure to improve grades or submit a report card. An additional bonus is given to each teen upon earning a high school diploma or equivalent. Participation in Cal-Learn is mandatory for pregnant or parenting teens under the age of 19 and is voluntary for certain teens over the age of 19.

#### Family Stabilization Program

The Family Stabilization program provides services in addition to those provided by the county's WTW program to families who are experiencing an identified situation or crisis. Additional services include treatment for family members, intensive day treatment, non-medical outpatient

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### OTHER PROGRAMS (CONTINUED):

drug treatment, residential treatment, emergency shelter, movement to transitional housing, rehabilitative services, and/or substance abuse counseling and treatment.

#### **CalWORKs Homeless Assistance Program**

Please see the Housing Program History section in this binder for more information on this program.

#### **CalWORKs Housing Support Program**

Please see the Housing Program History section in this binder for more information on this program.

### OTHER PROGRAM INFORMATION:

#### **Work Participation Rates**

State WPR requirements are designed to assist in meeting federal WPR in order for California to avoid fiscal penalties. Federal WPR requirements are as follows: 50 percent of all families with work-eligible adults (both one- and two-parent families) must be working or in a countable work activity for an average of 30 hours per week or an average of 20 hours per week for a parent with a child under age six; and 90 percent of families with two work eligible adults must be working or in a work activity for a combined total average of 35 hours per week. The federal government can assess penalties on the state for not achieving the required WPR. In California, counties that do not meet the federal participation rates will share in any such fiscal penalties. The WPR can, under certain circumstances, be reduced by a combination of natural caseload decline and additional GF MOE spent on TANF purposes. For a history of California's WPR, please refer to the Reference Documents tab of this binder.

#### **Program Monitoring Visits**

CDSS conducts county field monitoring visits to monitor county implementation of the CalWORKs program, evaluate the impact of program changes, and uncover best practices to ensure that CalWORKs families move toward self-sufficiency.

#### **CalWORKs Reports**

Additional information on CalWORKs can be found on the CDSS website on the [CalWORKs Reports page](http://www.cdss.ca.gov/inforesources/Research-and-Data/CalWORKs-Reports) at: <http://www.cdss.ca.gov/inforesources/Research-and-Data/CalWORKs-Reports>. This includes the CalWORKs Annual Summary, which provides information on children living in poverty and deep poverty, caseload dynamics, demographics of families, impacts and implementation of recent policy changes, the use and outcomes of research funds, and other components.

### HISTORY OF MAJOR PROGRAM CHANGES:

1998

#### **CalWORKs Implementation** – W&IC sections 11200 through 11526.5

The CalWORKs program, California's version of the TANF program, was implemented.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **CalWORKs 60-Month Time Limit** – W&IC sections 11266.5, 11454, 11454.5, and 11495.1

This change implemented a 60-month time limit for adults in the CalWORKs program, unless the individual was exempt or their cash aid grant was fully reimbursed by child support collection.

#### **CalWORKs Single Allocation Reappropriation** – W&IC section 15204.2

This legislation authorized unspent CalWORKs funding to be shifted from one year to the next during FY 1997-98 through FY 1999-00.

### 2002

#### **County Performance Incentives Discontinued** – W&IC section 10544.1

Legislation allowed counties to earn fiscal incentive payments for case exits due to employment, grant reductions due to earnings, and the diversion of applicants from enrolling in CalWORKs. Counties earned approximately \$1.1 billion between January 1, 1998 and June 30, 2002.

These incentives were discontinued due to budgetary constraints. Approximately \$400 million of unspent incentives were allocated to counties to spend after June 30, 2002.

#### **Base Budget for CalWORKs Single Allocation**

The CalWORKs Single Allocation base funding for FY 2001-02 and all subsequent years was established at the FY 2000-01 funding level, which was formulated through the PCAB process and adjusted by caseload growth and decline.

### 2003

#### **QR/Prospective Budgeting** – W&IC sections 11265.1 and 11265.2

The monthly reporting/retrospective budgeting system was replaced with a QR/Prospective Budgeting system for the CalWORKs and CalFresh programs. Under QR/Prospective Budgeting, recipients' eligibility and benefits are determined for a three-month period using prospective budgeting and income averaging rules based on information reported by recipients once every quarter. Recipients have the option to report changes that would result in increased benefits when they occur.

### 2004

#### **Work Participation** – W&IC section 11325.21

The original 18/24-month time limit was eliminated and counties were required to universally engage all non-exempt adults in work activities within 90 days of applying for CalWORKs. Unless exempt from work requirements, adults were required to participate in at least 20 hours per week of core activities such as employment, work experience, on-the-job training, work study, self-employment, or community service. Adults were also required to participate in up to 12 months of vocational training, job search, and job readiness assistance, and 12 hours per week of core or non-core activities, such as predominantly educational activities.

#### **Employment Services Augmentation** – W&IC section 11325.22

An additional \$50 million in TANF funds was provided for Employment Services.

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## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **CalWORKs Single Allocation Reappropriation** – W&IC section 15204.2

Unspent CalWORKs Single Allocation funds totaling \$40 million were reappropriated from FY 2003-04 for distribution and expenditure in FY 2004-05.

#### **2005**

#### **CalWORKs Single Allocation Reappropriation** – W&IC section 15204.2

Unspent CalWORKs Single Allocation funds totaling \$50 million were reappropriated from FY 2004-05 for distribution and expenditure in FY 2005-06 to offset the reduction in CalWORKs Eligibility Administration Basic and Prospective Budgeting savings.

#### **2006**

#### **Administration Restoration** – Budget Act of 2006, AB 1801 (Chapter 47, Statutes of 2006)

Funding was reestablished at the FY 2005-06 spending level with \$140 million restored for county CalWORKs administration.

#### **2007**

#### **Employment Services Augmentation** – W&IC section 10535

An additional \$90 million in TANF funds was provided for Employment Services to help improve client participation levels.

#### **COLA Elimination to the CalWORKs MAP Levels** – W&IC section 11453

The annual COLA to the CalWORKs MAP levels was eliminated effective FY 2007-08.

#### **Durational Sanctions** – W&IC section 11327.5

Legislation removed the statutory requirement that noncompliant individuals in the CalWORKs WTW program be subject to financial sanctions of a minimum duration of three to six months for individuals demonstrating multiple instances of non-compliance. Alternatively, a sanction may end when the individual performs the activity they previously failed or refused to perform.

#### **CalWORKs Homeless Assistance Program** – W&IC section 11450(f)(2)(A)(B)

Please see the Housing Program History section in this binder for more information on this program.

#### **2008**

#### **Subsidized Employment** – W&IC section 11322.63

Counties were provided funding outside of the CalWORKs Single Allocation to pay 50 percent of a CalWORKs WTW participant's wage subsidy while participating in public or private sector subsidized employment. Participation is limited to a maximum of six months for each WTW participant, and the subsidy is limited to 50 percent of the family's MAP.

#### **Employment Services Base Veto** – Budget Act of 2008 section 103

The Governor vetoed \$60 million of the CalWORKs Single Allocation due to the state's budget crisis. This was reflected as a \$60 million reduction to Employment Services funding.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2009

**Four Percent MAP Reduction** – W&IC sections 11450, 11452, and 11453

All CalWORKs MAP levels were reduced by four percent.

**American Recovery and Reinvestment Act of 2009** – W&IC sections 11320.3 and 11454.5

CDSS was authorized to apply for the ECF under the ARRA, a multi-year federal economic stimulus program. ECF programs included Basic Assistance, Subsidized Employment, and Non-Recurrent Short-Term Benefits.

**Temporary Suspension of Subsidized Employment** – W&IC section 11322.64

Subsidized Employment was suspended while funds were available through the ARRA ECF.

**WTW Temporary Exemptions for Parents of Young Children** – W&IC section 11320.3(b)(7)

Parents with a child between one and two years old or two children under six years old were exempted from WTW requirements to provide counties with a mechanism by which to absorb the \$376 million reduction to Employment Services and Stage One Child Care in the CalWORKs Single Allocation.

**Mental Health and Substance Abuse Funding Flexibility** – W&IC sections 11325.71 and 11329.5(e)

Counties were allowed the flexibility to redirect funding to and from the CalWORKs Mental Health and Substance Abuse allocations and CalWORKs Employment Services Allocation for FY 2009-10 and FY 2010-11.

#### 2010

**TANF ECF** – PL 111-5 section 2101

Continued implementation and expansion of CalWORKs subsidized employment programs were provided through the TANF ECF as part of the ARRA of 2009.

#### 2011

**Eight Percent MAP Reduction** – W&IC sections 11450, 11452, and 11453

All CalWORKs MAP levels were reduced by eight percent.

**CalWORKs 48-Month Time Limit** – W&IC sections 11454, 11454.2, and 11454.5

The time limit for adults was reduced from 60 months to 48 months, including all months on aid received in California since January 1, 1998, unless the adult has a time limit exemption.

**Disability-Based Unearned Income Disregard Reduction** – W&IC section 11451.5

The initial amount of Disability-Based Unearned Income Disregard when determining grant amounts decreased from \$225 per month to \$112 per month. The disregard of the remaining non-exempt earned income was maintained at 50 percent.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **Changes to the Cal-Learn Program** – W&IC section 11334.8

Cal-Learn intensive case management services were suspended for one year. Pregnant and parenting teens continued to receive CalWORKs assistance and services in the WTW program.

#### **Extend Mental Health and Substance Abuse Funding Flexibility** – W&IC sections 11325.71 and 11329.5(f)

Legislation extended the flexibility to redirect funding to and from the CalWORKs Mental Health and Substance Abuse allocations and the CalWORKs Employment Services allocation for FY 2011-12.

#### **Changes to Subsidized Employment** – W&IC section 11322.63

The state's maximum contribution (outside of the Single Allocation) toward wage subsidies under the Subsidized Employment program was increased to 100 percent of the computed grant for the participant's AU in the month prior to participation in Subsidized Employment. The eligible population was expanded to include individuals in the CalWORKs Safety Net program and individuals in WTW sanction status. Counties were allowed to continue Subsidized Employment for the entire duration of the placement for participants who became ineligible for CalWORKs due to their Subsidized Employment income.

#### **Extend WTW Exemptions for Young Children** – W&IC sections 11320.3(b)(7), 11320.3(f)(1), and 11320.3(g)

The \$376 million reduction to the CalWORKs Single Allocation was extended. The young children and good cause for lack of supportive service exemptions from WTW requirements were extended through June 1, 2012.

#### **Asset Limit Increase** – W&IC section 11155(a)

CalWORKs families were allowed to retain countable resources in an amount equal to the amount allowed by the CalFresh program regulations. CalWORKs adopted the resource limit increase from \$3,000 to \$3,250 for CalWORKs family members age 60 or older or with a disability, effective October 1, 2011.

### 2012

#### **End of WTW Temporary Exemptions for Young Children and Creation of New WTW Young Child Exemption** – W&IC sections 11320.3(g), 11320.3(h), and 11320.3(b)(6)(A)(iv)

In accordance with SB 1041 (Chapter 47, Statutes of 2012), temporary exemptions for parents of young children were extended through the end of calendar year 2012. Adults remain exempt until they have been reengaged in a WTW plan. Counties were required to reengage these previously exempted cases over a period of two years, with all cases being reengaged by January 2015. Additionally, a new once per lifetime WTW exemption was created for parents of children under two years old.

#### **WTW 24-Month Time Clock** – W&IC sections 11320.8, 11322.85, and 11322.86

In accordance with SB 1041 (Chapter 47, Statutes of 2012), the WTW participation requirements for adults in the CalWORKs program were changed to provide 24 months of aid under which WTW participants must meet state-defined flexible participation requirements and an additional

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

24 months of aid only if WTW participants meet federally defined work requirements. Counties have the option of extending the 24-month limit based on state requirements for 20 percent of the post 24-month caseload if the adult meets specific criteria that suggest additional months of assistance will provide significant progress toward self-sufficiency, or if the adult is facing uniquely adverse labor market conditions.

#### **WTW Hourly Participation Requirements** – W&IC section 11322.8

In accordance with SB 1041 (Chapter 47, Statutes of 2012), the hourly work requirements for work eligible adults in the CalWORKs program were aligned with federal hourly work requirements. However, no WTW core hours were required during the WTW 24-Month Time Clock. After exhausting the WTW 24-Month Time Clock, unless otherwise exempt or given an extension, work eligible adults must meet federal work requirements to continue receiving cash aid. Single parents with no children under six must participate in a minimum of 30 hours per week, single parents with a child under six must participate in a minimum of 20 hours per week, and two-parent families must participate a minimum of 35 hours per week.

#### **AR/CO** – W&IC section 11265.45

In accordance with SB 1041 (Chapter 47, Statutes of 2012), the number of reporting periods for child-only cases was reduced from four (under QR/Prospective Budgeting) to one under AR/CO. Child-only cases are ones in which no adult is aided (safety net cases, undocumented individuals, non-needy caretaker relatives, recipients of SSI, etc.) excluding WTW sanctioned cases.

#### **Restoration of the Cal-Learn Program** – W&IC sections 11334.6, 11334.8, and 11454.5

In accordance with SB 1041 (Chapter 47, Statutes of 2012), intensive case management services for pregnant and parenting teens were restored. Counties began to phase their programs in throughout FY 2012-13.

#### **Single Allocation Reappropriation** – AB 1477 (Chapter 630, Statutes of 2012)

Legislation provides that \$80 million of unspent TANF funds from FY 2010-11 be reverted early to augment the Single Allocation.

### 2013

#### **WINS** – W&IC section 15525

An additional monthly food assistance benefit was provided to CalFresh households working sufficient hours to meet the TANF WPR. The W&IC section 15525 reduced the WINS benefit from \$40 to \$10 per household per month and changed the implementation date from October 1, 2013, to January 1, 2014.

#### **Disability-Based Unearned Income Disregard Restoration to \$225** – W&IC section 11451.5

In accordance with SB 1041 (Chapter 47, Statutes of 2012), the initial amount of Disability-Based Unearned Income Disregard when determining grant amounts increased from \$112 to \$225, rescinding the Legislature's 2011 action that reduced the disregard to \$112. The disregard of EID 50 percent of any additional non-exempt earned income was maintained.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **SAR** – W&IC sections 11265.1, 11265.2, 11265.3, and 11265.4

The QR/Prospective Budgeting system was replaced with a SAR system, which reduces the number of required income reports made by CalWORKs recipients to twice per year for cases with aided adults and WTW sanctioned cases. The SAR system imposes two additional income reporting thresholds: 55 percent of the monthly income of a family of three at the FPL plus the amount of earned and unearned income last used to calculate the CalWORKs grant or the level likely to render an AU ineligible for CalWORKs benefits.

#### **OCAT** – W&IC section 11325.2(b)

Funding was provided for the development and implementation of a statewide standardized appraisal tool, known as the OCAT, which will lead to more effective placement in work activities and referrals to supportive services.

#### **Expanded Subsidized Employment** – W&IC section 11322.63

In order to expand Subsidized Employment program opportunities in California, counties were allocated additional funds independent of the CalWORKs Single Allocation.

#### **Family Stabilization** – W&IC section 11325.24

Legislation established the Family Stabilization program, which provides intensive case management and services to ensure a basic level of stability within a family prior to, or concurrently with, participation in WTW activities.

#### **Pregnant Teen Eligibility** – W&IC section 11450(b)(1)

Effective January 1, 2013, pregnant teens age 18 or younger with no other eligible children in the home are eligible to receive CalWORKs cash aid and pregnancy special needs payments upon verification of pregnancy during their third trimester.

### 2014

#### **Treatment of Vehicles** – W&IC section 11155

In accordance with AB 74 (Chapter 21, Statutes of 2013), CalWORKs adopted a new policy to evaluate motor vehicles as property when determining resource eligibility. CalWORKs clients are allowed to self-certify the vehicle's Fair Market Value less encumbrances, if any. Effective January 1, 2014, the equity value limit of a vehicle was increased to \$9,500 and a new exemption was added for a vehicle given as a gift, family transfer, or donation from a family member.

#### **Asset Limit Increase** – W&IC section 11155

CalWORKs families are allowed to retain countable resources in an amount equal to the amount allowed by the CalFresh program regulations. CalWORKs adopted the resource limit increase for CalWORKs families (without a member with a disability or a member age 60 or older) from \$2,000 to \$2,250 effective October 1, 2014.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **Exemption of Child-Only Safety Net and Drug/Fleeing Felon Cases from Child Support Requirements** – W&IC sections 11251.3 and 11486.5

Safety net and fleeing felon adult CalWORKs cases are funded with non-MOE GF and are no longer required to assign their child support rights to the state as a condition of eligibility. Any receipt of child support that is reasonably anticipated would be considered unearned income and counted against the assistance payment. Counties must remove all child support related sanctions and penalties for these cases retroactively, effective back to June 1, 2014.

#### **Changes in WTW Hourly Work Participation Determination** – W&IC section 11322.8

The determination of hours per week that a work eligible adult must participate in work activities changed from a weekly minimum requirement to an average per week during the month.

#### **Changes to Family Stabilization Compliance** – W&IC section 11325.24

The Family Stabilization program was amended to provide housing assistance to families. Recipients who refuse or are unable to follow their family stabilization plans without good cause are returned to the WTW program.

#### **CalWORKs Housing Support** – W&IC section 11325.24(e)

Please see the Housing Program History section in this binder for more information on this program.

#### **Five Percent MAP Increase** – W&IC section 11450.025

All CalWORKs MAP levels were increased by five percent effective March 1, 2014.

#### **ARC** – W&IC section 11461.3

At county discretion, the amount paid to ARCs for the in-home care of relative children placed with them will be equal to the basic rate paid to federally eligible FC providers. For relative foster children receiving CalWORKs, this is paid in the form of an ARC payment supplemental to the CalWORKs grant.

### 2015

#### **Pregnant Women** – W&IC section 11450

Eligibility for CalWORKs and the pregnancy special needs payment was expanded to all pregnant women who have no other eligible children beginning in their second trimester. Previously, this population was not eligible until the beginning of their third trimester.

#### **Truancy** – W&IC section 11253

The school attendance verification requirement and penalty to caretaker relatives when a child under the age of 16 is not regularly attending school were eliminated. Counties will inform the family of how to enroll the child, age 16 or older, in a continuation school within the county and the family may be screened to determine eligibility for family stabilization services. Caretaker relatives are still subject to a penalty if a child, age 16 or older, who has not graduated, is deemed a chronic truant.

#### **Five Percent MAP Increase** – W&IC section 11450.025

All CalWORKs MAP levels were increased by five percent effective April 1, 2015.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **CalWORKs Eligibility to Include Drug Felons** – W&IC sections 11251.3 and 11486.5

CalWORKs eligibility was extended to drug felons, contingent upon compliance with all terms of probation or parole, including participation in drug treatment programs effective April 1, 2015.

#### **2016**

#### **1.43 Percent MAP Increase** – W&IC section 11450.025

All CalWORKs MAP levels were increased by 1.43 percent effective October 1, 2016.

#### **Changes to Subsidized Employment** – W&IC sections 11320.15 and 11322.64

The AB 98 (Chapter 589, Statutes of 2007) Subsidized Employment Program was eliminated and the eligible population for Expanded Subsidized Employment was expanded to include individuals in the CalWORKs Safety Net program.

#### **Participation in Workforce Innovation and Opportunity Act of 2014 Activities** – W&IC section 11322.63

A CalWORKs recipient in a Workforce Innovation Opportunity Act career pathway program is deemed to meet the CalWORKs hourly participation requirements under specified conditions.

#### **Elimination of the Temporary Assistance Program** – W&IC section 11320.32

This was a voluntary program for current and future CalWORKs recipients who met exemption criteria for work participation activities. This program was passed into law in 2008, though implementation was never achieved due to repeated delays. This program was made inoperative in FY 2015-16.

#### **Simplified CalWORKs Application Process and Form for Non-Needy Caretaker Relative with Relative Foster Child Placed in the Home** – W&IC section 11253.2

In accordance with AB 403 (Chapter 773, Statutes of 2015), the CalWORKs program developed a simplified process to apply for CalWORKs benefits for a foster child when the foster child has been placed with a relative who is not requesting public assistance cash aid for themselves. The caretaker relative now uses a simplified form that asks for information regarding income and resources only about the child. Some of the CalWORKs program rules were also waived to simplify the process since these foster parents must already undergo background screening and are not subject to the WTW rules when not requesting aid for themselves.

#### **CalWORKs Grieving Parent/Caretaker Provisions** – W&IC sections 11321 and 11450.05

In accordance with AB 433 (Chapter 514, Statutes of 2015), a new section was added and a section amended to the W&IC regarding provisions when a child in the CalWORKs AU is reported as deceased. When a child in the AU becomes deceased, the AU's grant amount will not decrease in the month of or the month following the death and the parent(s)/caretaker(s) are excused from required assigned WTW activities. They will also not be subject to sanctions for failure to participate. Overpayments will not apply for failure to decrease the grant. Counties will be required to assist the family in identifying services the family may be eligible for such as nutrition assistance, housing support, and locating mental health services if needed or requested.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2017

##### **MFG Repeal** – W&IC section 11450.04

Effective January 1, 2017, cash grants are increased to include children who were not receiving cash assistance because they were born to families who received aid for the ten months prior to the child's birth. No child shall be denied aid because he or she was born into a family during a period in which the family was receiving aid. This applies to children currently designated as MFG children, as well as future children born to the AU.

##### **Disaster Assistance Services** – W&IC sections 11100 and 11105

AB 607 (Chapter 501, Statutes of 2017), known as the Community Resiliency and Disaster Preparedness Act of 2017, additionally authorizes continued CalWORKs eligibility for a person who has responded, showing that he or she has not established residence elsewhere and has been prevented from returning to the state due to a disaster declared by the Governor or the President of the United States. In the event of a state or federally declared disaster in a county, this bill requires the county human services agency to coordinate with public and private disaster response organizations and agencies to identify and inform recipients of their eligibility for temporary and permanent homeless assistance.

##### **CalWORKs Overpayments** – W&IC sections 11004, 11004.1, 11265.3, 11265.47, and 11486.5

In accordance with AB 2062 (Chapter 795, Statutes of 2016), the W&IC was amended establishing that no overpayment will be assessed on the case if a recipient has completely, accurately, and in a timely manner reported changes in circumstances to their income or household composition and the county does not or cannot take action in time to reduce the grant or discontinue the CalWORKs case.

##### **Asset Limit Increase** – W&IC section 11155(a)

CalWORKs families are allowed to retain countable resources in an amount equal to the amount allowed by the CalFresh program regulations. CalWORKs adopted the resource limit increase from \$3,250 to \$3,500 for CalWORKs family members age 60 or older, or disabled, effective October 1, 2017.

#### 2018

##### **The CalWORKs Outcomes and Accountability Review** – W&IC section 11523

SB 89 (Chapter 24, Statutes of 2017) instituted the Cal-OAR, which will provide outcome information that can be used to evaluate the performance of the CalWORKs program at both the state and individual county levels. Cal-OAR creates a framework for rigorous county self-assessment and fosters continuous quality improvement in the program. Cal-OAR implements July 2019.

##### **Welfare-to-Work Diaper Benefit for Families** – W&IC section 11323.2

Effective April 1, 2018, diaper benefits became a WTW supportive service. Any WTW participant who is participating in an approved WTW plan is eligible. A \$30 monthly benefit will be issued to assist with diaper costs for each child who is under 36 months of age.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

**Homeless Assistance Bridge for Victims of Domestic Abuse** – W&IC sections 11450, 11253.5, 11265.8, 11495.16, and 11495.17

Eligibility for CalWORKs Homeless Assistance benefits was extended to victims of domestic abuse so that they could receive the assistance needed to escape their abuser, and so their eligibility could be determined without their abuser being considered as part of the household. CDSS is required to report to the Legislature in hearings as a part of the annual budget process regarding the number of CalWORKs WTW recipients who have been identified as a potential victim of domestic abuse and to implement and administer the bill through all-county letters and emergency regulations no later than July 1, 2020.

**Repeal of the Statewide Fingerprint Imaging System** – W&IC sections 10830 and 10831

SB 89 (Chapter 24, Statutes of 2017) required CDSS to implement and maintain an automated, non-biometric identity verification method in the CalWORKs program to replace SFIS. Chapter 24 repealed SFIS no later than July 1, 2018.

**CalWORKs Child Support** – W&IC sections 11008.14 and 11450.17

Effective November 1, 2018, caretaker relatives may choose to exclude a child from the AU if the child receives child support payments from the noncustodial parent(s) in an amount higher than the grant they would receive if included in the CalWORKs assistance payment and the child support would not count against the remaining AU members' grant amount. The caretaker relative can only make this choice at their time of application, when the SAR is due, or at annual redetermination time, or if the child support payments stop or decrease.

**CalWORKs Overpayments/CalFresh Overissuances** – W&IC section 10980

Effective January 1, 2018, a person is no longer subject to criminal prosecution for an overpayment or overissuance of benefits, obtained under the CalWORKs program or the CalFresh program, for any month in which the county was in receipt of any Income and Eligibility Verification System data match information indicating any potential for an overpayment or an overissuance and the county did not provide a timely and adequate NOA for the collection of the overpayment or the overissuance.

**CalWORKs Educational Opportunity & Attainment Program** – W&IC sections 11340 through 11346

Effective January 1, 2018, CalWORKs recipients may apply to receive a one-time education incentive award in the amount of five hundred dollars for completion of a high school diploma or its equivalent, or a one-time education stipend of one thousand dollars for enrollment in an education or training program leading to a certificate, associate degree, or bachelor's degree. One-time funding of \$4 million was appropriated in FY 2017-18 for this program; once this funding was expended, CWDs were not required to expend additional funds for this program.

### 2019

**Ten Percent MAP Increase** – W&IC section 11450.025

In an effort to reduce deep poverty among California's most vulnerable children and families, all CalWORKs MAP levels will increase by 10 percent effective April 1, 2019.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **CalWORKs Overpayment** – W&IC section 11004

SB 726 (Chapter 930, Statutes of 2018) increases the CalWORKs overpayment threshold from \$35 to \$250, or a higher threshold as established by the department. This bill requires a county to expunge an overpayment if the county determines that the overpayment has been caused by a major systemic error or negligence. Additionally, except in cases involving an investigation into suspected fraud, if the individual responsible for the overpayment has not received aid for 36 consecutive months or longer, the county shall deem an overpayment uncollectible and expunge the overpayment. This bill also prohibits the commencement of the action if the case record or any consumer credit report used in the case has not been made available or has been destroyed. This bill authorizes the department to implement these provisions through an all-county letter effective July 1, 2019.

#### **CalWORKs Home Visiting Initiative** – W&IC sections 11330.6, 11330.7, 11330.8, and 11330.9

The CalWORKs Home Visiting Initiative was established by AB 1811 (Chapter 35, Statutes of 2018) as an annual ongoing voluntary program for the purpose of supporting positive health, development, and well-being outcomes for eligible pregnant and parenting women, families, and infants born into poverty, expanding their future educational, economic, and financial capability opportunities, and improving the likelihood that they will exit poverty. The program shall provide high-quality, evidence-based, culturally competent services to pregnant women, parents or caretaker relatives, and children for 24 months or until the child's second birthday, whichever is later. Subject to appropriation in the annual Budget Act, CDSS shall continue to award funds to participating counties who apply biennially and, at least, meet the minimum requirements established by the CDSS.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs Child Care Program\*

### DESCRIPTION:

The state's child care system includes several programs, each addressing different child care needs. The CalWORKs Child Care Program was established in 1997 to provide subsidized services for welfare program participants and low-income families. CalWORKs child care is administered in three stages. Stage One is administered by CDSS, while Stages Two and Three are administered by CDE. Stage One and Two services are considered entitlements. Stage Three services for former CalWORKs recipients are not considered entitlements but are intended by the Legislature to be fully funded (Education Code section 8447).

### FUNDING:

The chart below shows the FY 2018-19 Appropriation for child care programs, including those administered by CDE.

#### FY 2018-19 Appropriation for Child Care Programs (costs in millions)

| Voucher Programs     | Caseload | Total Cost |
|----------------------|----------|------------|
| CalWORKs Stage One   | 38,843   | \$327.3    |
| CalWORKs Stage Two   | 58,674   | \$559.9    |
| CalWORKs Stage Three | 44,320   | \$398.6    |
| Alternative Payment  | 47,526   | \$427.4    |

| Direct Service Contracts | Caseload | Total Cost |
|--------------------------|----------|------------|
| General Child Care       | 54,228   | \$588.4    |
| Migrant Care             | 3,038    | \$40.1     |
| Severely Disabled        | 103      | \$2.0      |
| After School Programs    | 506,840  | \$734.5    |
| Community Colleges       | 1,022    | \$9.2      |
| State Preschool          | 142,677  | \$1,215.5  |

| Quality Programs                  | Caseload | Total Cost |
|-----------------------------------|----------|------------|
| Other <sup>1</sup>                | 260      | \$31.1     |
| Quality Services                  | N/A      | \$116.8    |
| Quality Rating Improvement System | N/A      | \$50.0     |
| State Preschool Block Grant       | N/A      | \$3.5      |
| TrustLine/Self-Certification      | N/A      | \$3.5      |

|               |                |                  |
|---------------|----------------|------------------|
| <b>Totals</b> | <b>897,531</b> | <b>\$4,504.3</b> |
|---------------|----------------|------------------|

<sup>1</sup>Other caseload includes Early Head Start Child Care Partnership Grant. Other costs include: Resource and Referral, Local Planning Councils, Child Care Project Initiative, Growth and Set Aside, and the Early Head Start Child Care Partnership Grant.

\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs Child Care Program\*

### **ELIGIBILITY:**

Eligibility is based on the total income, size, and need of families. CalWORKs participants are eligible to receive subsidized child care if they are employed or if they are participating in approved WTW activities. Child care is provided for children through the age of 12 under specific conditions. Child care and development services are available for children with exceptional needs up to age 21.

To establish initial income eligibility for subsidized child care, a family cannot earn more than 70 percent of the state median income. As of July 1, 2018, for a family of three, that amount is \$4,502 per month. To establish ongoing income eligibility for subsidized child care, a family cannot earn more than 85 percent of the state median income. As of July 1, 2018, for a family of three, that amount is \$5,467 per month. Families must also have a need for care, such as working or going to school.

### **Accessibility**

In some parts of the state, there is a lack of available space at licensed child care centers or family child care homes, as well as a shortage of licensed slots for infants and toddlers. As a result, families in certain communities may be negatively impacted due to a shortage of child care that meets their needs.

### **Flexibility**

Working families may choose child care based on the family's need. Some families choose license-exempt care because they need care during non-traditional work hours (i.e., evenings and weekends), they want all their children at one location, they have cultural and language preferences, or they want care to be close to their home or work. License-exempt providers are commonly relatives, friends, or neighbors of the family. Licensed-exempt care providers must receive a background check or approval on the TrustLine Registry and meet minimum health and safety requirements. Aunts, uncles, and grandparents are excluded from these requirements.

### **RMR**

Every other year, CDE completes an RMR survey of child care providers. The survey collects information on what private child care providers charge to clients in each county or market area of the state. The state uses this data to calculate the maximum reimbursement ceilings for subsidized child care services.

### **Family Fees**

Some clients are required to pay a share of their child care costs, known as family fees. These fees do not apply to families receiving CalWORKs cash aid, safety net families, or sanctioned families. Each family pays a single fee based on their income relative to their family size with the maximum family fee at approximately ten percent of the family's income. The family fee table is located on the CDE website at:

<https://www.cde.ca.gov/sp/cd/ci/documents/famfeeschedsept2018.xlsx>

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs Child Care Program\*

### SUBSIDIZED CHILD CARE PROGRAMS:

#### Voucher-Based Child Care

All the programs described below provide vouchers for families to obtain care in licensed child care centers, licensed family child care homes, or license-exempt settings. The family can choose the type of care that their child receives.

- **CalWORKs Stage One Child Care:** This program provides child care to CalWORKs families when they are first engaged in work or WTW activities. CDSS administers the Stage One child care program through the CWDs.
- **CalWORKs Stage Two Child Care:** CalWORKs families move to this program when the CWD determines they are stable, for example, after six months of participation in a WTW plan or after being employed. CWDs have the flexibility to determine when a family's situation is stable. Families remain in Stage Two until they have been off cash aid for two years. The CDE contracts with Alternative Payment Program agencies, which administer this program.
- **CalWORKs Stage Three Child Care:** Families that have exhausted two years of CalWORKs Stage Two child care transition to Stage Three. This program provides care as long as funding is available and the family remains eligible. The CDE contracts with the Alternative Payment Program agencies, which administer this program.
- **Alternative Payment Program:** This program is funded by CDE through contracts with Alternative Payment Programs. Alternative Payment Programs may also contract with CWDs to administer Stage One Child Care. Alternative Payment Programs help eligible families arrange child care services and pays for those services directly to the child care provider. Alternative Payment Programs also support families and providers by offering assistance and consumer information about various services and resources available to them.

#### Direct Contracts

The CDE contracts directly with child care centers and family child care home education networks for a fixed number of slots. Title 5-contracted programs must meet Title 5 regulations, in addition to Title 22 regulations, and operate under more stringent ratio and staff qualification regulations than Title 22 programs. The direct service contracts are listed below:

- General Child Care and Development
- Migrant Child Care and Development
- California State Preschool Program
- Severely Handicapped Program
- CCC Child Care Program

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs Child Care Program\*

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 1998

##### **Grandfathered Families** – Education Code section 8263.1

Child care services were eliminated for families whose income was above 75 percent of the state median income. Families that were receiving child care on January 1, 1998, with income over 75 percent of the state median income were grandfathered into the current system. These families continued to receive child care as long as they continued to meet the program requirements in place on December 31, 1997.

##### **RMR Ceilings** – Education Code section 8357

The RMR survey used to set child care reimbursement rates was updated to the 1998 survey.

#### 1999

##### **RMR Ceilings** – Education Code section 8357

The RMR survey used to set child care reimbursement rates was updated to the 1999 survey.

#### 2000

##### **RMR Ceilings** – Education Code section 8357

The RMR survey used to set child care reimbursement rates was updated to the 2000 survey.

#### 2001

##### **RMR Ceilings** – Education Code section 8357

The RMR survey used to set child care reimbursement rates was updated to the 2001 survey.

#### 2003-2004

##### **Reimbursement Rate Changes** – Education Code section 8357

The maximum reimbursement for licensed providers was updated from the 93<sup>rd</sup> percentile of the 2001 RMR survey to the 85<sup>th</sup> percentile of the 2003 RMR survey.

##### **Eliminated Child Care for Grandfathered Families** – Education Code section 8263.1

Child Care services were eliminated for families who were receiving child care because they were grandfathered into the current system under the 1998 CalWORKs implementation.

##### **Age Eligibility for Child Care** – Education Code section 8263.4

Child care services were eliminated for 13 year old children, except for children with special needs.

#### 2004-2005

##### **Age Eligibility for Child Care** – Education Code section 8263.4

Preferred placement in before and after school programs was mandated for 11 and 12 year old children who are eligible for subsidized child care in order to generate savings in the subsidized child care program.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## CalWORKs Child Care Program\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2005-2006

##### **Age Eligibility for Child Care** – Education Code section 8263.4

Before and after school programs became the primary child care placement for 11 and 12 year olds. If the placement in the before and after school program did not meet the needs of the parents, they were required to certify the necessity for alternate arrangements.

#### 2006

##### **RMR Ceilings** – Education Code section 8357

The RMR survey used to set child care reimbursement rates was updated to the 2005 survey.

#### 2008

##### **Family Fees and Reimbursement Rate Changes** – Education Code sections 8273.1(d) and 8447

The family fee requirement for child care no longer applied to families receiving CalWORKs cash aid. Additionally, the requirement that the RMR survey must be conducted annually was changed to once every two years. This change aligned state statute with federal regulations.

#### 2009-2010

##### **WTW Exemptions for Parents of Young Children** – W&IC section 11320.3(b)(7)

Parents with a child between one and two years old or parents with two children under six years old were exempt from WTW requirements to provide counties with a mechanism by which to absorb a \$376 million reduction to Employment Services and Stage One Child Care in the CalWORKs Single Allocation. Of the total reduction, Stage One Child Care absorbed \$215 million of the decrease.

#### 2010-2011

##### **Reimbursement Rate Changes** – Education Code section 8357

The payment ceiling at which license-exempt child care providers are reimbursed was reduced from 90 to 80 percent of the RMR payment ceilings established for family child care homes.

##### **Elimination of Stage Three Child Care Funding** – CDE Management Bulletin 10-12 and CDE Management Bulletin 11-04

Funding for the CalWORKs Stage Three Program was eliminated effective November 1, 2010 and then restored on April 1, 2011.

#### 2011-2012

##### **Reimbursement Rate and Income Threshold Changes** – Education Code section 8263.1 and 8357

The payment ceiling at which license-exempt child care providers are reimbursed was reduced from 80 to 60 percent of the RMR payment ceilings established for family child care homes.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## CalWORKs Child Care Program\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

The income threshold for subsidized child care eligibility was lowered from 75 percent to 70 percent of the FY 2007-08 state median income.

**Extend WTW Exemptions for Parents of Young Children** – W&IC sections 11320.3(b)(7), 11320.3(f)(1) and 11320.3(g)

The \$215 million reduction to Stage One Child Care (of the total \$376 million CalWORKs Single Allocation reduction) was extended. The young children exemption and good cause for lack of supportive services exemption were extended through June 1, 2012.

**End of WTW Exemptions for Parents of Young Children** – W&IC sections 11320.3(g), 11320.3(h) and 11320.3(b)(6)(A)(iv)

Legislation extended the temporary exemptions for parents of young children through the end of calendar year 2012; adults remained exempt past January 2013 until they were reengaged in a WTW plan or deemed to qualify for another exemption. Counties were required to reengage these previously exempted cases over a period of two years, with all cases reengaged by January 2015.

#### 2013-2014

**Reimbursement Rate Changes** – Education Code section 8357

The maximum reimbursement for licensed providers was updated to 85<sup>th</sup> percentile of the 2009 RMR survey, reduced by 10.1 percent on January 1, 2015. If a calculated ceiling was less than the one provided before January 1, 2015, then the previous ceiling (from the 2005) survey was used.

**Family Fee** – Education Code section 8273

A new family fee schedule was developed to be simple and easy to implement. This change affected former CalWORKs families and families in CDE child care programs.

#### 2015-2016

**Reimbursement Rate Changes** – Education Code section 8357

The RMR ceilings increased by 4.5 percent of either the 85<sup>th</sup> percentile of the 2009 RMR survey for that county, reduced by 10.1 percent, or the 85<sup>th</sup> percentile of the 2005 RMR survey for that county, whichever was greater. Additionally, the reimbursement ceilings for license-exempt child care providers increased from 60 to 65 percent of the family child care home ceiling. These changes to the RMR ceiling implemented October 1, 2015.

#### 2016-2017

**Reimbursement Rate Changes** – Education Code section 8357

From January 1, 2017 until June 30, 2018, SB 828 (Chapter 29, Statutes of 2016), established the RMR ceilings at the greater of either the 75<sup>th</sup> percentile of the 2014 RMR survey for that county or the RMR ceiling for that county as it existed on December 31, 2016. Beginning July 1, 2018, the RMR ceiling was established at the 75<sup>th</sup> percentile of the 2014 RMR survey for

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## CalWORKs Child Care Program\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

that county. Effective January 1, 2017, reimbursement to license-exempt child care providers was not to exceed 70 percent of the family child care home ceiling.

#### 2017-2018

##### **Reimbursement Rate Changes** – Education Code section 8357

With AB 99 (Chapter 15, Statutes of 2017), beginning January 1, 2018, the RMR ceiling was established at either the 75th percentile of rates based on the 2016 RMR Survey, or the RMR ceiling for that region as it existed on December 31, 2017, whichever was greater. Allowing the greater of the two rates was referred to as a temporary hold harmless provision. The hold harmless provision was scheduled to sunset on January 1, 2019, and the RMR rate ceiling would have been universally established at the 75th percentile of the 2016 RMR survey for that region. However, the temporary hold harmless provision was later made permanent through statute change in 2018 with the passage of AB 1808 (Chapter 32, Statutes of 2018).

##### **Increased Child Care Eligibility to 12 Months** – Education Code section 8263

An increase of \$25 million was made to the non-Proposition 98 GF to update the income eligibility requirements for state-subsidized child care and development programs and establish that a family determined to be eligible for a subsidy remains eligible for 12 months, regardless of change in need or income, unless income exceeds 85 percent of the current state median income.

##### **Change to Ongoing Income Eligibility** – Education Code section 8263.1(b)

The code was amended to implement “ongoing income eligibility” that allows a family to remain income eligible for subsidized child care until their adjusted monthly income exceeds 85 percent of the most recent state median income, adjusted for family size. As a result of this change, families will remain income eligible for subsidized child care services for a longer period of time.

##### **Emergency Child Care Bridge Program for Foster Children** – Education Code Section 8212; W&IC section 11461.6

Beginning January 1, 2018, counties participating in the Emergency Child Care Bridge for Foster Children may provide a time-limited child care voucher or payment to help pay for child care costs for foster children birth through age 12. Participating counties have an option to extend to a maximum 12 months. Child care navigators will also be made available to eligible families in order to assist with finding a child care provider and developing a plan for long-term subsidized child care. Child care providers participating in the program will also receive access to trauma-informed care training and coaching.

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\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.

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## Child Welfare Services<sup>\*</sup>

### DESCRIPTION:

The CWS program is California's primary statewide intervention program for abused, neglected, and exploited children and is given statutory authority through W&IC section 16500. CDSS serves as the state oversight entity, leading collaboration between the state's 58 county welfare and probation departments, CWDA, Chief Probation Officers of California, federal, state, and local government, the Legislature, the Judicial Branch, tribal representatives, philanthropic organizations, and other stakeholders. CDSS' role is to provide supervision, fiscal and regulatory guidance, and training as well as the development of policies, procedures, and programs in accordance with prescribed federal and state statutes governing child welfare.

The goal of the program is to protect children at risk of child abuse, neglect, or exploitation through an integrated service delivery system and to provide intensive services to families to ensure sufficient child safety, permanency, and well-being to allow families to stay together in their own homes. If county social workers, through the oversight of local juvenile courts, determine that out-of-home placement is the only safe option for a child, arrangement for temporary/sometimes PP of the child in the safest and least restrictive environment possible is coordinated and monitored by county child welfare agencies.

The CWS that are primarily delivered through the 58 counties include ER, FM, FR, and PP services.

- The ER services are designed to provide in-person 24-hours a day response to reports of abuse, neglect, or exploitation for the purpose of investigation. The ER services determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in his/her own home or to protect the safety of the child through emergency removal and FC placement.
- The FM services consist of time-limited protective services provided to families in crisis to prevent or remedy abuse or neglect, with the intent of preserving families and keeping children safely in their own homes when possible. Social workers develop a case plan that includes services appropriate to each family's unique needs.
- The FR services consist of time-limited services to children in out-of-home care to prevent or remedy neglect, abuse, or exploitation when the child cannot remain safely at home. These services are aimed at assisting families when the child needs to be placed in temporary FC placement while services are made available to reunite the family.
- The PP services offer alternative family structures for children who cannot remain safely at home and/or who are unlikely to return home. The PP caseload includes children in a legal guardianship with an unrelated caregiver and those in independent living services. It also includes children with a pending guardianship with a relative or pending adoption.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Child Welfare Services\*

### FUNDING:

Effective July 1, 2011, a portion of the CWS program was realigned and funded with federal, LRF and county funds. Federal funds pursuant to Titles A (TANF), IV-B (Child Welfare), IV-E (FC), XIX (Medicaid), and XX (Social Services Block Grant) of the Social Security Act and other funds are leveraged using LRF and county funds.

For more information regarding funding post 2011 Realignment, refer to the 2011 Realignment section of this binder. Funding from the GF is provided for non-realigned CWS programs. For more information on the non-realigned CWS premises or programs, refer to the specific premises contained within the Estimate Methodologies section of this binder.

### ELIGIBILITY:

All children who have suffered or who are at risk of suffering from abuse, neglect, or exploitation are eligible for either the federal, non-federal, or county-only funded services.

### OTHER PROGRAM INFORMATION:

In January 2004, CDSS implemented a statewide accountability system that replaced a process-oriented, regulatory compliance review system. The California Child and Family Services Review System is an enhanced version of the federal oversight system used to monitor the state. The system is based on outcome data that measures key federal and state enriched performance indicators, such as the rate of recurrence of maltreatment, number of foster home placements, length of time to reunification with birth parents, and the rates of adoption. Unlike the federal process, the California Child and Family Services Review System contains specifically developed measures for child and family well-being.

Under the California Child and Family Services Review System, all counties are reviewed on a five-year cycle. The review consists of a county self-assessment, which is based on the county's performance indicators and strongly influenced by local stakeholder input, a Peer Quality Case Review designed to identify and prioritize critical local needs and a System Improvement Plan. The System Improvement Plan identifies measurable improvements that the county will make annually to improve outcomes for children. CDSS approves each county System Improvement Plan, and monitors compliance using quarterly performance reports produced from the CWS/CMS on a quarterly basis.

Transition Services is a caseload of young adults continuing in FC as enacted by W&IC section 366.3 beginning January 1, 2011. These services are focused on assisting the non-minor dependent in meeting the goals necessary to transition successfully to adulthood. Eligibility is contingent upon non-minor dependent's participation in employment, career development activities, education, or having a medical condition that prohibits such activities.

In 2013, the state approved the CWDS New System Project, a technical solution that will replace the current, outdated CWS/CMS. The CWDS New System Project will use web-based technologies to provide the flexibility and extendibility required to meet the business needs of CWS and comply with federal Statewide Automated Child Welfare Information System requirements. The CWS/CMS contains case management information for California's foster youth population, while FC payments are made through the SAWS.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Child Welfare Services\*

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 1993

##### **Federal Family Preservation and Support Act** – PL 103-66

States were encouraged to use funds to create a continuum of family-focused services for at risk children and families and were required to engage in a comprehensive planning process to develop more responsive family support and preservation strategies. In addition, the Act encouraged states to use funds to integrate prevention services into treatment-oriented child welfare systems, improve service coordination within and across state service agencies, and engage broad segments of the community in program planning at state and local levels.

#### 1997

##### **Federal Adoption and Safe Families Act** – PL 105-89

The Act reauthorized the federal Family Preservation and Support Services Program and ensured safety for abused and neglected children by adding “safety of the child” to every step of the case plan and review process and required criminal record checks for foster/adoptive parents who receive federal funds on behalf of a child. In addition, this Act: 1) promoted adoptions by rewarding states that increased adoptions with incentive funds; 2) prohibited states from delaying/denying placements based on the geographic location of the prospective adoptive families; and 3) required the federal DHHS to establish new outcome measures to monitor and improve state performance.

#### 2001

##### **PSSF Amendments of 2001** – PL 107-133

The amendments reauthorized the PSSF program with mandatory funding increases for FFYs 2002 through 2006 as well as, reauthorized a set aside for Indian Tribes. New provisions of this law included the Infant Safe Haven program, services to strengthen parental relationships and healthy marriages as part of family support services and the ability to implement a corrective action plan resulting from a Child and Family Services Review. Additionally, this created the ETV program.

#### 2001, 2004

##### **Child Welfare System Improvement and Accountability Act** – W&IC section 10601.2

The statewide accountability system, which went into effect January 2, 2014, was designed to improve outcomes for children in the child welfare system, while holding county and state agencies accountable for the outcomes achieved. This system is an enhanced version of the federal oversight system mandated by Congress and used to monitor states' performance. In January 2004, the implementation of W&IC section 10601.2 brought a new CWS Outcomes and Accountability System to California. This new Outcomes and Accountability System, also known as the California Child and Family Services Review System, focuses primarily on measuring outcomes in the areas of safety, permanency, and child and family well-being. By design, the California Child and Family Services Review System closely follows the federal emphasis on safety, permanency, and well-being. The new system operates on a philosophy of continuous quality improvement, interagency partnerships, community involvement, and public reporting of program outcomes.

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\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.

## Child Welfare Services\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2002

##### **Child and Family Services Review**

The 1994 Amendments to the Social Security Act authorized the United States DHHS to review state child and family service programs to ensure conformity with the requirements of Titles IV-B and IV-E of the Social Security Act. In March of 2000, the DHHS established a new approach to monitoring state child welfare programs known as the Child and Family Services Review. States are assessed for substantial conformity with certain federal requirements for child protective services, FC, adoption, family preservation, family support, and independent living services with an emphasis on the safety, permanency, and well-being of children and families served through CWS. The federal Children's Bureau, within the DHHS, conducts the reviews in partnership with state child welfare agency staff and consultant reviewers who supplement the federal review team. California began its first round of the Child and Family Services Review in 2002. The reviews are structured to help states identify strengths and areas needing improvement within their agencies and programs in order to develop a Program Improvement Plan to address any areas needing improvement.

#### 2006

##### **Safe and Timely Interstate Placement of Foster Children Act of 2006** – PL 109-239

The Act required states to complete FC and adoption home studies requested by other states within 60 days. It does not require the parts of the home study that involve education and training within the 60 days, these components may be done within 180 days. States must accept studies received from other states within 14 days unless found to be contrary to the well-being of the child. The Act also authorized incentives to states that complete interstate home studies within 30 days and increased the frequency of state caseworker visits for children in out-of-state FC placements. This provision was slated to sunset on October 1, 2010.

##### **Child and Family Services Improvement Act** – W&IC section 16501.1(k)

Statute appropriated funds through the PSSF fund to support monthly caseworker visits with children in FC with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology. Each state plan for CWS is required to describe standards for the content and frequency of caseworker visits for children in FC.

#### 2007

##### **RFA** – W&IC sections 16519 and 16519.5

Statute authorized CDSS, in consultation with county welfare agencies, stakeholders, and interested parties, to implement a three-year pilot program to establish a unified, family friendly, and child-centered RFA process in up to five counties. This unified process would replace the multiple existing processes for all related and non-related families who want to provide care to children who are dependents or wards of the court. The single standard for approval applies to all caregivers regardless of the child's case plan and approved resource families would not be required to undergo any additional approvals to care for children in FC. The W&IC section 16519.5 amended the RFA program from a pilot, to an early implementation program.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Child Welfare Services\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2008

##### **Fostering Connections to Success and Increasing Adoptions Act** – PL 110-3510

The Act has assisted hundreds of thousands of children and youth in FC by promoting permanent families for them through relative guardianship, adoption, and improving education and health care. The Act also extended federal support for youth up to age 21 offering important federal protections and support to American Indian children. Additionally, this Act required a transitional plan for foster youth 90-days prior to aging out of FC.

#### 2010

##### **Patient Protection and ACA** – PL 111-148

The Act extended Medicaid coverage to former FC children up to age 26.

#### 2011

##### **Child and Family Services Improvement and Innovation Act** – PL 112-34

The Act required states to: 1) coordinate health care services to monitor and treat the emotional trauma needs of children in FC and develop protocols for monitoring the use of psychotropic medications; 2) reduce the length of time in FC for children without a PP under the age of five to address their developmental needs; 3) meet the educational stability case plan requirements for children in FC at the time of each placement change; 4) increased services to parents and caregivers for time-limited FR services to improve timely reunification; and 5) to facilitate visitation between children in FC with their parents and siblings. The Act also revised: 1) provisions and extended requirements for the completion of monthly caseworker visits of children in FC; 2) requirements ensuring that each child age 16 and older in FC receive a free copy of their credit report each year until discharged from FC; and 3) to receive aid in interpreting and resolving any inconsistencies.

**Child Welfare Realignment** – Family Code sections 8506, 8509, 8513, 8515, 8521, 8524, 8530, 8600.5, 8608, 8619 through 8621, 8700 through 8705, 8707 through 8710.1, 8710.3, 8712, 8713, 8715 through 8717, 8720, 8730, 8732, 8733, 8735, and 9205; Government Code sections 29553, 30061 and 30070; Health and Safety Code sections 1502, 1505, and 1559.110; Penal Code sections 1465.8 and 13821; Revenue and Taxation Code sections 6051.15 and 6201.15; W&IC sections 293, 294, 305.6, 358.1, 361, 361.5, 366.21, 366.22, 366.24, 366.25, 366.26, 366.3, 450, 727.3, 727.31, 10101, 10101.2, 10103, 10103.5, 10104, 10553.11, 10553.12, 10601.2, 10605, 10606.2, 10609.3, 10609.4, 10609.9, 11214, 11215, 11400, 11402, 11402.6, 11403, 11403.1, 11403.2, 11403.25, 11403.3, 11403.4, 11461, 11461.2, 11462.05, 11463, 11466.23, 11467, 11469, 13754, 13757, 15200, 15204.25, 15204.9, 16002, 16100, 16101, 16105, 16118 through 16120.1, 16121.05, 16122, 16123, 16133, 16135, 16135.26, 16135.10, 16135.16, 16500.5, 16500.51, 16500.55, 16500.65, 16500.8, 16501.1, 16501.3, 16501.5, 16501.8, 16508.1, 16508.3, 16516.5, 16519.5, 16522, 16522.1, 16522.2, 16522.5, 16525.10, 16525.25, 16605, 17601.20, 18220, 18220.1, 18250, 18254, 18255, 18257, 18358.30, 18960, 18961, 18962, 18987.7, and 18987.72

The funding for the CWS program was realigned from the state to the county. With this implementation, counties are no longer required to contract for services, but can use their funds in-house for direct services as long as federal match requirements are still met. For more information, refer to the 2011 Realignment tab.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Child Welfare Services\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2013

##### **RFA** – W&IC 16519.5

Statute reauthorized the early implementation of the RFA program. This allowed for 13 counties to become early implementers of the program.

#### 2014

##### **After 18 Terminated Guardianship and Adoption** – W&IC sections 388.1 and 11403

Statute requires a non-minor in a guardianship or adoption to re-enter into FC if the guardian(s) or adoptive parent(s) is (are) failing to provide ongoing support between the ages of 18 and 21 years old.

##### **Sibling Visitations** – W&IC sections 358.1, 361.2, 362.1, 366, 366.1, 366.3, 388, 706.6, 778 and 16002

Statute requires caseworkers to assess and document sibling relationships and visitations for siblings who are all dependents or are a mix of dependents and non-dependents.

##### **Preventing Sex Trafficking and Strengthening Families Act** – PL 113-183

Federal law amended Title IV-E of the Social Security Act to require states to: 1) develop and implement policies and procedures to identify, document and serve minor victims of sex trafficking; 2) collect and report on data associated with minor victims of sex trafficking; 3) report to law enforcement no later than 24 hours on identified minor sex trafficking victims; and 4) develop protocols that include ascertaining whether foster children absent from care were victims of sex trafficking during their time away from care.

##### **The CSEC Program** – W&IC sections 300(b)(2) and 16524.6-16524.11

The W&IC was amended to include children who are commercially sexually exploited as dependents of the court, to be served by the state child welfare system. To adequately serve children who have been commercially sexually exploited, the Legislature declared it necessary for counties to develop and utilize a multidisciplinary team approach to case management, service planning and provision of services, and that counties develop and utilize interagency protocols to ensure services are provided as needed to this population. The State CSEC Program is an optional program for counties that provides funding for implementation, training, prevention, and intervention services related to children who are victims or are at risk of commercial sexual exploitation.

#### 2015

##### **FR Services Extension to Dependent Parents** – W&IC sections 366.21 and 366.22

Statute extends FR services from 18 months to 24 months when the minor parent or non-minor dependent parent makes substantial progress on their court ordered FR plan and the courts determine if extending FR services is in the best interests of the minor parent's or non-minor dependent parent's child.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Child Welfare Services\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **Psychotropic Medications** – Health and Safety Code section 1529.2, W&IC section 16501.4

Health and Safety Code section 1529.2 was amended to expand existing pre and post placement training requirements for foster parents regarding health issues in FC to include instruction on information in W&IC section 16501.4(d). The W&IC section 16501.4 was added to ensure the oversight of psychotropic medications that are prescribed for children in care, and subdivision (d) requires CDSS to consult with the DHCS and other specified stakeholders to develop training for foster parents and others that addresses issues related to psychotropic medication such as authorization, risks, benefits, assistance with self-administration, oversight, substance use disorders, and mental health treatments.

**CCR** – W&IC sections 4096.5, 4096.6, 11400, 11402, 11462, 11462.01, 11462.04, 11462.015, 11462.02, 11463, 16000, 16519.5, 16519.52 through 16519.56 and 18987.72; Health and Safety Code sections 1502, 1506.1, 1507.25, 1522.42, 1522.43, 1529.2, 1530.8, 1562, and 6276.38

The W&IC was amended to implement recommendations put forward in CDSS's 2015 report: [California's Child Welfare CCR](#). The report outlined a comprehensive reform effort to ensure that youth in FC have their day-to-day physical, mental, and emotional needs met; that they have the greatest chance to grow up in permanent and supportive homes; and that they have the opportunity to grow into self-sufficient, successful adults. To meet the goals of CCR, activities will be contracted, including performance and oversight, automation changes for CWS/CMS, and training for county mental health, social worker, and probation staff. Programs were newly developed and existing programs were enhanced, including the Foster Parent Recruitment, Retention and Support, Child and Family Team meetings, Second Level Administration Review, and RFA. These services include expanding provisions of Child and Family Team meetings, an updated home approval process, a new program for recruitment and retention of foster families and relatives, and training and support to families who provide FC, now known as resource families, so they are better prepared to care for youth living with them.

### 2016

#### **Bringing Families Home Program** – W&IC sections 16523 through 16523.1

The Bringing Families Home Program provides housing-related supports, such as rental assistance and intensive case management, to homeless families served by child welfare agencies to assist in successful reunification.

#### **Medi-Cal Verification Documentation** – W&IC sections 391 and 16501.1

AB 1849 (Chapter 609, Statutes of 2016) ensures foster youth who exit from FC, are notified that they continue to receive Medi-Cal health coverage from age 18 and up to age 26. The county is required to provide written verification to an eligible non-minor that he or she is enrolled in Medi-Cal prior to the court terminating dependency jurisdiction over the non-minor. The county is required to provide the eligible non-minor with his or her Medi-Cal Benefits Identification Card and ensure the eligible non-minor is transitioned into the Medi-Cal program upon case closure without interruption in coverage.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Child Welfare Services\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### **RFA** – W&IC 16519.5, Health and Safety Code 1517

The RFA program implemented statewide effective January 1, 2017 as part of the CCR. The purpose of RFA was to accelerate achieving permanency and address some redundancies in the foster home approval process. It replaced the multiple home approval processes and increased approval standards by creating one consistent approval standard for all relative/non-relative resource families. The RFA is a family-friendly, child centered approval process for families, known as resource families, who wish to provide foster care and/or adopt children. It seeks to improve the experience children/youth have in home-based family care placements by incorporating a comprehensive psychosocial evaluation of all resource families to ensure they are better prepared to meet the needs of children placed in their care. Existing approved relatives, Non-Related Extended Family Members, and licensed/certified foster family homes are required to convert to a RFA status no later than December 31, 2019 as all license, certification, or relative approvals shall become forfeited by operation of law effective January 1, 2019.

#### **2017**

#### **Emergency Child Care Bridge Program for Foster Children** – Education Code Section 8212; W&IC section 11461.6

Beginning January 1, 2018, counties participating in the Emergency Child Care Bridge for Foster Children may provide a time-limited child care voucher or payment to help pay for child care costs for foster children birth through age 12. Participating counties have an option to extend to a maximum of 12 months. Child care navigators will also be made available to eligible families in order to assist with finding a child care provider and developing a plan for long-term subsidized child care. Child care providers participating in the program will also receive access to trauma-informed care training and coaching.

#### **2018**

#### **Emergency Caregiver Funding** – Assembly Bill 110 (Chapter 8, Statutes of 2018); W&IC sections 309, 361.4, 361.45, 11461.35, 11461.36, and 16519.5

Beginning March 30, 2018, all counties were required to provide an interim payment to caregivers who had received an emergency or compelling reason placement of a child prior to completing the RFA process. Effective July 1, 2018, all counties must provide payment equivalent to the basic level rate for a resource family to the emergency caregiver of a child. The Emergency Caregiver funding will be funded through either the Emergency Assistance Program or, for children who are determined to be ineligible for the Emergency Assistance Program, through a combination of state and county funding.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### DESCRIPTION:

The CCL is a regulatory enforcement program with the responsibility of protecting the health and safety of children and adults residing in, or spending a portion of their time in, out-of-home care. Facilities licensed by CDSS' CCL program include foster family homes and family child care homes. The foster family homes, 62 percent of which are licensed by the counties through an MOU with CCL, provide 24-hour nonmedical care (medical care is permitted under certain circumstances) in the licensee's family residence for not more than six foster children. The family child care homes, about less than one percent of which are licensed by the counties through contracts with CCL, provide child day care for up to 14 children in the licensees' own home for periods of less than 24 hours per day.

The objective of the program is to ensure all clients are served by licensed facilities that meet established standards for health and safety, which provide a homelike setting with the least restrictive environment for clients.

To achieve this objective, CCL focuses on three priorities:

- Prevention – provide licensees with technical support, online resources, and training to assure that facilities have the necessary tools to meet the standards for the health and safety of each individual they serve.
- Enforcement – provide CCL staff who conduct inspections with the necessary tools and training to ensure that inspections are thorough and consistent, and take administrative actions when licensing standards are not met.
- Compliance – creating clear and consistent expectations for licensees in meeting licensing regulations and striving to address issues in real time in order to ensure the health and safety of the individuals that are served.

The CCL also conducts criminal background checks of licensees, employees and all adults providing direct services to, or having routine contact with, clients in care.

### FUNDING:

There are 38 counties providing foster family home licensing and recruitment services. The remaining 20 counties are licensed by CDSS' CCL Division. Federal funding for these services is provided by Title IV-E of the Social Security Act, with the amount of FFP based on the sharing ratios for those cases meeting federal eligibility criteria. Funding for the remaining costs are 100 percent GF. Additional federal spending authority is included based on actual expenditures.

The funding for Family Child Care Homes licensing activities has been removed due to CDSS assuming the licensing duties for all counties.

### ELIGIBILITY:

Facilities licensed and resource families approved by counties must meet licensing or written directive standards in order to maintain the privilege of providing care and supervision.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES:

#### *Family Child Care Homes*

##### 1998

**Administering Inhaled Medication** – Health and Safety Code sections 1596.798 and 1596.8661

Licensees and staff of child care centers and family child care homes are permitted to administer inhaled medication to a child in care if certain requirements are met.

##### 2003

**Posting Notice of Site Visit and Licensing Reports** – Health and Safety Code sections 1596.817 and 1596.8595

CDSS is required to post a notice each time a site visit is made to a child care facility. In addition, if the facility is cited for any Type A deficiency, the facility report must be posted immediately by the licensee/facility representative. Licensees are also required to post a site visit report or any other document verifying the licensee's compliance or noncompliance with CDSS' order to correct a Type A deficiency. All notices and reports must be posted immediately upon receipt and remain posted for 30 consecutive days. Failure by the licensee to post any of the required site visit reports for 30 consecutive days may result in an immediate civil penalty assessment of \$100.

**License Fee Increase** – Health and Safety Code sections 1596.803, 1596.871, 1597.09, and 1597.55

License and annual fees were increased and aggregate fees for licensees with multiple facilities were eliminated. In addition, a fee is charged by the DOJ for processing FBI fingerprints of any applicant serving six or fewer children, including applicants for a family child care license, or for obtaining a criminal record of an applicant. Also, triennial visits to facilities in which legal or compliance problems have been identified were eliminated. Annual visits were also required to be ten percent of the total number of licensed child care facilities identified using a random sample methodology.

##### 2006

**Parent Notification Requirements** – Health and Safety Code sections 1596.859, 1596.8595, 1596.8895, and 1597.05

Statute was amended to improve the transparency of licensing records and to ensure that parents/guardians using licensed child care facilities are aware of situations that present the greatest danger to children. These situations include serious health and safety violations resulting in Type A citations, noncompliance conferences, and efforts by CDSS to revoke a facility's license.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Family Child Care Homes (continued):*

##### 2008

**Immediate Civil Penalties** – Health and Safety Code sections 1596.818, 1596.8867, 1596.8899, 1596.98, 1596.99, 1597.56, 1597.58, and 1597.62

Statute requires the assessment of an immediate civil penalty for designated serious violations and requires the moneys derived from civil penalties imposed on child care facilities to be deposited into the Child Health and Safety Fund to be expended exclusively for the technical assistance, orientation, training, and education of child care providers. Revenues received by CDSS from payment of civil penalties imposed on all other licensed facility types shall be deposited into the Technical Assistance Fund and expended exclusively for the technical assistance, training and education of licensees. Unannounced follow-up visits must be made within 30 days after the effective date of a temporary license suspension or revocation, or within 30 days after service of an order of exclusion or removal of a person from a facility.

CDSS is also required to ensure a licensee's plan of correction is measurable and verifiable. The plan shall specify what evidence is acceptable to establish that a deficiency has been corrected, and requires CDSS to specify in its licensing reports all violations that, if not corrected, will have a direct and immediate risk to the health and safety, or personal rights of clients or children in care.

##### 2011

**Retention/Enrollment of Non-Minor Students in School-Age Child Care Centers** – Health and Safety Code sections 1596.785, 1596.7915, and 1596.862

CDSS was allowed to approve or deny written requests for the enrollment or retention of non-minor students at a School-Age Child Care Center. A non-minor student means a person 18 years of age or older who qualifies as an individual with exceptional needs, as defined in Education Code section 56026, and who qualifies for services from a regional center as a person with a developmental disability, as defined in W&IC section 4512 (a).

##### 2013

**Child Day Care: Childhood Nutrition Training** – Health and Safety Code sections 1596.865, 1596.866, and 1596.8661

For licenses issued on or after January 1, 2016, at least one director or teacher from each day care center and each family day care home who provides care is required to have at least one hour of childhood nutrition training as part of the preventive health practices course(s).

**Sex Offenders: FC Homes and Child Day Care Facilities** – Penal Code sections 3003.6

Individuals' required to register as a sex offender whose offense was against a minor are prohibited from residing, working, or volunteering in a child day care facility or children's residential facility. Violation of this prohibition is a misdemeanor.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Family Child Care Homes (continued):*

##### 2014

**Family Day Care Home: Smoking Prohibition** – Health and Safety Code section 1596.795; Labor Code section 6404.5

Statute prohibits anyone from smoking tobacco in a private residence that is licensed as a family day care home.

**Care Facilities: Carbon Monoxide Detectors** – Health and Safety Code sections 1503.2, 1597.45, 1597.46, 1568.043, 1569.311, 1596.954, and 1597.543

Day care centers and family day care homes are required to have one or more functioning carbon monoxide detector that meets specific statutory requirements in the facility. CDSS is required to account for the presence of the detectors during inspections.

**Care Facilities** – Health and Safety Code sections 1522, 1568.09, 1569.17, 1596.803, and 1596.871

License and annual fees were increased. In addition, statute prohibits CDSS, with regard to licensing community care facilities, foster family home, certified family home, residential care facilities, and child day cares, from issuing a criminal record clearance to a person with a record of an arrest prior to the department's completion of an investigation of that arrest record.

**Care Facilities: Civil Penalties** – Health and Safety Code sections 1548, 1568.0822, 1569.49, 1596.99, and 1597.58

Statute increases the amount of civil penalties that may be imposed for a violation that the department determines resulted in the death, or serious injury, of a child at a care facility.

##### 2015

**Public Health: Vaccinations** – Health and Safety Code sections 120325, 120335, 120370, 120375, 120338, and repeal section 120365

Statute eliminates the exemption for immunizations to children attending public school and child care, based upon personal beliefs. Statute continues to allow a medical exemption.

**Day Care Facilities: Immunizations Exemptions** – Health and Safety Code sections 1597.055, 1597.54, 1596.7995, and 1597.622

Statute prohibits a person from being employed or volunteering at a child care facility if he or she has not been immunized against influenza, pertussis, and measles. Statute provides specific circumstances under which a person would be exempt from the immunization requirement, based on medical safety, current immunity, declining the influenza vaccination or the date upon which he or she was hired.

**Care Facilities: Civil Penalties, Deficiencies, and Appeal Procedures** – Health and Safety Code sections 1548, 1568.0822, 1569.35, 1569.49, 1596.842, 1596.99, and 1597.58

Statute establishes a process for a licensee to submit a written request for a formal review of a deficiency finding at a care facility. The review process of an assessment of a civil penalty for an incident involving death, physical abuse, and/or serious injury, in care facilities was revised. An appeal process for civil penalties was also established.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Family Child Care Homes (continued):*

##### 2016

**Care Facilities: Civil Penalties** – Health and Safety Code sections 1548, 1566.7, 1568.0822, 1569.335, 1569.49, 1596.819, 1596.859, 1596.8595, 1596.99, and 1597.58

Statute changes the terminology for complaints that result in “inconclusive” findings to “unsubstantiated”. In addition, the law increased the amount of civil penalties to be imposed for a licensing violation under those provisions, and may impose civil penalties for a repeat violation of those provisions, as specified. The statute provides provisions regarding the review of assessment of repeat civil penalties. Statute requires the department to make a good faith effort to work with the licensee to determine the cause of the deficiency and ways to prevent any repeat violations, and to adopt regulations setting forth the appeal procedures for deficiencies. Statute requires civil penalties to be due and payable when administrative appeals have been exhausted and to be subject to late fees, except as specified.

##### 2018

**Family Child Care Home Licensing Services** – Health and Safety Code sections 1500 through 1519, 1596.82, 1597.44 and 1597.465.

Effective April, 2018, CDSS assumed the Family Child Care Home Licensing duties for Del Norte and Inyo counties, resulting in no local assistance costs thereafter.

#### *Foster Family Homes*

##### 1999

**Fingerprint Background Check** – Health and Safety Code section 1522

Background check requirements were reinstated for licensed foster family homes, as well as other community care facilities, on an emergency basis. Statute required federal and state background checks for all new facility applicants as well as any staff person, volunteer or employee who has client contact. Fingerprints must be submitted to the California DOJ before a person's employment, residence, or initial presence. There is an immediate civil penalty of \$100 for each person who is not fingerprinted. If caregivers were found to be out of compliance, licensing staff were advised to cite caregivers and assess the civil penalty.

##### 2000

**Fire Safety Requirements for Facilities with Bedridden Clients** – Health and Safety Code sections 1566.45, 1568.0832, and 1569.72

These changes clarify that bedridden clients may be admitted to and remain in specific residential community care facilities that secure and maintain an appropriate fire clearance. The changes require CDSS and the Office of the State Fire Marshal, in consultation with DDS, to develop regulations to clarify fire safety and fire clearance requirements for care facilities.

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\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Foster Family Homes (continued):*

##### 2001

**Revised Standards for Relatives and Non-Relative Foster Family Homes** – Health and Safety Code section 1505, 1521.5, 1521.6 and 1525.5; W&IC sections 309, 319, 361.2, 361.3, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, and 16518

The approval process for California's relative caregivers and non-relative extended family member caregivers was required to employ the same health and safety standards used to license foster family homes to ensure continuing compliance with the Federal Adoptions and Safe Families Act of 1997. Core requirements for caregivers, relatives and non-relative extended family members were subsequently consolidated into Article 3 of the foster family home regulations.

**Rights of Foster Children** – W&IC section 16001.9

Community care facilities licensed by CDSS were required to inform children being placed in FC of their personal rights. The information was required to address each child's questions and concerns in an age and developmentally appropriate manner. Any facility licensed to provide FC for six or more children was also required to post a listing of FC children's personal rights. Statute was added, listing 21 personal rights for foster children, most of which were already in the CCL Division regulations and enforced by the CCL Division.

**Crimes: Unattended Children in Vehicles** – Vehicle Code Division 6.7

The Unattended Child in Motor Vehicle Safety Act known as "Kaitlyn's Law" was added to the Vehicle Code, and stipulates that any parent, legal guardian, or other person responsible for a child who is six years of age or younger may not leave the child inside a motor vehicle without the supervision of a person who is 12 years of age or older under specified conditions. These specified conditions include those that present a significant risk to the child's health or safety, the vehicle's engine is running, or the vehicle's keys are in the ignition or both. If caregivers are found to be out of compliance, licensing staff were advised to cite caregivers for lack of supervision.

##### 2002

**In-Home Interview** – Health and Safety Code section 1521.5

Statute was amended to delete the requirement that an in-home interview be conducted by the placement agency in counties that have not contracted with the state to license foster family homes. This change allowed state licensing staff to conduct an in-home interview with caregivers to collect basic information on their ability, willingness and readiness to be licensed to care for foster children. Licensing staff were advised to provide a copy of the completed In-Home Interview Form (LIC 861) to the county placement agency.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Foster Family Homes (continued):*

**2003**

##### **Anti-Discrimination on the Basis of Sexual Orientation or Gender Identity** – W&IC section 16001.9

Statute was amended to add an additional right to the personal rights for foster children. The additional right was “fair and equal access to all available services, placement, care, treatment and benefits and to not be subject to discrimination or harassment based on actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, Human Immunodeficiency Virus status or mental or physical disability.” Amendments were also made to training requirements for caregivers to include training on anti-discrimination in regards to sexual orientation and gender identity. Caregivers were granted anti-discrimination rights. Licensing staff were advised to make caregivers aware of the personal right of foster children and, if noncompliance was found, to cite caregivers under applicable statute.

**2004**

##### **Civil Penalty Increase for Background Check Violations** – Health and Safety Code section 1522, 1568.09, 1569.17, and 1596.871

The existing civil penalty was increased for allowing an individual who does not have a criminal record clearance or exemption to work or reside in a licensed facility. The existing immediate \$100 civil penalty per individual violation was increased to an immediate \$100 per day civil penalty applicable for a maximum of five days for first violations and a maximum of 30 days for subsequent violations. If caregivers were found to be out of compliance, licensing staff were advised to identify how long a person without clearance has been living in the home, cite caregivers for the deficiency, and assess the civil penalty as specified.

##### **Background Clearance/Exemption Transfers Between County and State** – Health and Safety Code sections 1522(h) and 1596.871(h)

Permits the transfer of criminal record clearance and exemption information between contracting county licensing offices and between contracting counties and state licensing offices, as long as the clearance is for the same facility type. As counties only contract to license foster family home and family child care homes, this new transfer authority will only impact background checks conducted for those licensing categories. Under this legislation, the DOJ is authorized to charge a fee for transferring the authority to receive subsequent criminal history information to the county or state licensing office that has received the transfer.

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\*Please refer to the first tab titled “[Acronyms](#)” for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### ***Foster Family Homes (continued):***

**2005**

##### **Foster Children – Injections** – Health and Safety Code section 1507.25

Specified caregivers who are not licensed health care providers are authorized to administer emergency medical assistance and/or injections for specific reasons to a foster child in placement. If caregivers are trained by a licensed health care professional practicing within his or her scope of practice, they may administer specified emergency medical assistance and/or injections and supportive activities for specified conditions. If caregivers were found to be out of compliance, licensing staff were advised to cite caregivers under applicable statute pending regulations.

##### **Education Information for Foster Children** – W&IC section 16001.9

At 16 years of age or older, children in FC have the personal right to access existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs and information regarding financial aid for postsecondary education. If caregivers were found to be out of compliance, licensing staff were advised to cite applicable statute pending regulations.

##### **Use of Occasional Short-Term Babysitters** – W&IC section 362.04

Caregivers are required to use a reasonable and prudent parent standard in determining and selecting appropriate babysitters for occasional short-term use. Caregivers are also required to provide specified information to babysitters when leaving a foster child in a babysitter's care. Babysitters are not required to be subject to a criminal background check, a health screening or cardiopulmonary resuscitation/first aid certification or training. If caregivers were found to be out of compliance, licensing staff were advised to cite caregivers under the applicable statute or regulations.

##### **AFDC-FC: Pregnant and Parenting Foster Youth** – W&IC sections 300, 362.1, 11400, 11401, 11465, and 16501.25

Various sections of the W&IC were amended to create "whole foster family homes," which are defined as family homes, ARC or non-relative extended family members' homes or certified homes that provide FC for minor parents and their children. These homes were to be specifically recruited and trained to be of assistance to minor parents in developing skills needed to provide a safe, stable, and permanent home for their children. Statute also required that a "shared responsibility plan" be developed to avoid any confusion about the roles and responsibilities of caregivers and teen parents in providing care for the teen parent's child.

If caregivers were found to be out of compliance, licensing staff were advised to cite caregivers under the care and supervision authority.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Foster Family Homes (continued):*

2006

**Children's Residential Regulations Review Workgroup and Placement Criteria** – Health and Safety Code section 1530.3; W&IC section 361.2

CDSS is required to report to the Legislature on the progress of the Children's Residential Regulations Review Workgroup, which was subsequently tasked with a global revision of the regulations for licensed foster family homes. The W&IC section 361.2 was also amended to require that children be placed in homes where caregivers can: 1) meet the health, safety and well-being needs of the child; 2) maintain the least restrictive and most family-like environment; 3) permit the child to participate in reasonable, age-appropriate, day-to-day activities; and 4) use the reasonable and prudent parent standard to determine activities that are age-appropriate and meet the child's needs.

**Modified Existing Criminal Background Clearance Requirements for Community Care Facilities** – Health and Safety Code section 1522

Statute requires an individual to obtain either a criminal record clearance from the DOJ or a criminal record exemption from CDSS before his or her initial presence in a licensed facility.

2007

**Smoking in Vehicle with Minor Passengers** – Health and Safety Code section 1550

Statute made it an infraction for a person to smoke a cigar, cigarette, or pipe in a moving or stationary vehicle with a minor present. If caregivers were found to be out of compliance, licensing staff were advised to cite caregivers for conduct harmful to the health of the child in care.

**Modified Existing Criminal Background Clearance Requirements for Community Care Facilities** – Health and Safety Code section 1522

Statute requires an individual to obtain either a criminal record clearance from the DOJ or a criminal record exemption from CDSS before his or her initial presence in a certified family home that is approved for placement by a foster family agency.

**Compliance with the federal Adam Walsh Child Protection and Safety Act and the Intercountry Adoption Act of 2000** – Health and Safety Code sections 1522 and 1522.1

Enhanced criminal record clearance requirements must be met by foster family homes prior to being licensed. California and FBI criminal background checks, a check of the California Child Abuse Registry and a check of registries in each state in which the prospective caregiver has lived in the past five years are required. The passage of this section resulted in a new form, the Out-of-State Disclosure and Criminal Record Statement (LIC 508D), to check criminal record information in other states where caregivers have lived.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### ***Foster Family Homes (continued):***

##### **RFA** – W&IC section 16519.5

CDSS is required to implement a three year RFA implementation program in up to five counties. This program was intended to establish a single comprehensive RFA process for FC and adoption that would replace the existing separate processes for licensing foster family homes, approving relatives and non-relative extended family members and approving adoptive families. A resource family has to meet both home approval standards and permanency assessment criteria to provide care to a child and be exempt from licensure, relative approval, and adoption approval.

##### **2008**

##### **Immediate Civil Penalties; CDSS Use of Civil Penalty Moneys; Unannounced Facility Visits; Plans of Correction; Licensing Report Requirements** – Health and Safety Code sections 1530.5 and 1548

Licensed foster family homes, along with other community care facilities, are subjected to the immediate assessment of civil penalties for designated serious “zero tolerance” violations. “Zero tolerance” violations include fire clearance violations, absence of supervision, accessible bodies of water, accessible firearms, or ammunition, refusing entry to an agent of CDSS, and presence of an excluded person on the premises. If caregivers are found to be out of compliance, licensing staff were advised to assess caregivers a civil penalty in the amount of \$150 per day, per violation, until corrected.

##### **Transfer of Existing License to a New Location** – Health and Safety Code section 1524

Licensed foster family homes are permitted to transfer their existing license to a new location while requiring them to continue meeting all applicable laws and regulations at their new location. Licensing staff are instructed to: request that foster family homes submit an updated Foster Family Home Application (LIC 283) and documentation for their new location; make an announced relocation case management visit to ensure compliance with licensing laws and regulations at the new location; and transfer the existing license to the new location by updating the address on record while retaining the existing foster family home license number and effective date of licensure. If foster family homes are found to be out of compliance at the new location, licensing staff were advised to cite caregivers according to the applicable licensing laws and regulations.

##### **Training on California Student Safety and Violence Prevention Act of 2000** – Health and Safety Code section 1529.2

The existing training requirements for caregivers in licensed foster family homes were amended to require the initial 12-hour foster parent training include training in the California Student Safety and Violence Prevention Act of 2000. If caregivers are found to be out of compliance, licensing staff were advised to cite caregivers for not completing the training.

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\*Please refer to the first tab titled “[Acronyms](#)” for a full description of acronyms.



## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Foster Family Homes (continued):*

2010

#### **California Fostering Connections to Success Act** – W&IC sections 11400 and 11403

California law was aligned to act in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351). Statutes were amended to phase in the eligibility of a non-minor dependent to remain in FC up to age 19 beginning January 1, 2012, up to age 20 beginning January 1, 2013, and with approval by the Legislature, up to age 21 beginning January 1, 2014. Licensing staff are advised that: 1) non-minor dependents may remain in or return to care in licensed foster family homes and other Children's Residential community care facilities and homes; 2) while non-minor dependents, as clients, would be exempt from criminal background clearances, a pre-placement appraisal is required to assist in determining whether a placement is appropriate; and 3) health and safety standards apply to non-minor dependents in care.

#### **Minors and Non-Minor Dependents: Out-of-Home Placement** – Health and Safety Code sections 1502, 1505, and 1559.100; W&IC sections 11400 and 11403

This change extended FC up to age 21. Responsibility for Transitional Housing Placement Plus FC, originally a county-administered program for non-minor dependents, is transferred to the CCL Division. Remote site model placement, permitted for minors placed prior to October 1, 2012, is only available to non-minor dependents on or after that date and the transitional housing placement provider is required to have a staffing ratio of case manager to client of no more than 1:12 for minors and non-minor dependents. Transitional housing placement providers serving minors in a Transitional Housing Placement Program or non-minor dependents in a Transitional Housing Placement Plus FC are to be licensed as Transitional Housing Placement Program and, until regulations are further developed, AB 12 Interim Licensing Standards for the Transitional Housing Placement Program are to be applied to non-minor dependents in Transitional Housing Placement Plus FC.

#### **FC Services: Cultural Competency** – Health and Safety Code section 1529.2; W&IC section 16001.9

The existing training requirements for caregivers in licensed foster family homes was amended by requiring the initial 12-hour foster parent training and the annual eight hour foster parent training to include training in cultural competency and sensitivity. The training must relate to and include best practices for providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care. Statute was also amended to add the right of every child in FC to have caregivers and access to child welfare personnel who have received this training. Licensing staff were advised that if foster family homes are found to be out of compliance with this training requirement, caregivers are to be cited for not completing the training.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### *Foster Family Homes (continued):*

##### 2012

##### **Foster Homes: Residential Capacity** – W&IC section 17732.2

Existing law was clarified to require licensed specialized foster family homes to not exceed a total of six children living in the home. Consistent with existing law, it continued to permit two, and up to three, foster children with or without special health care needs to be in a specialized foster family home under specified conditions. However, non-foster children living in the same home must be considered when making a capacity determination. Licensing staff were advised that if foster family homes are found to be out of compliance by having too many children in the home, caregivers were to be cited under the applicable regulations.

##### **Immediate Civil Penalties** – Health and Safety Code section 1530.5

The assessment of civil penalties for designated serious “zero tolerance” violations was applied to licensed foster family homes. Statute was amended to exempt foster family homes from most civil penalties, except those that result from fingerprint violations and unlicensed care operations. As a result, foster family homes are no longer subject to immediate civil penalties for any violation of Health and Safety Code section 1548. Licensing staff were advised effective January 1, 2013, that caregivers shall no longer be assessed immediate civil penalties for these violations.

##### 2013

##### **FC Services: Smoke-Free Environment** – Health and Safety Code section 1530.7

Effective January 1, 2014, statute was amended to require that specified children’s residential facilities maintain a smoke-free environment. Further, individuals licensed or certified to provide care to foster children are prohibited from smoking or permitting any other person to smoke inside the home, or outside when a child is present. The law also prohibits smoking in any motor vehicle regularly used to transport children. Pending the development of regulations, licensing staff will be instructed to cite caregivers if it is ascertained that smoking is taking place in violation of the law.

##### 2014

##### **FC Providers: Criminal Records** – Health and Safety Code section 1522.08; W&IC section 16504.7

Statute was amended and added relating to the criminal background check of a prospective foster parent, adult member of the prospective foster parent’s household or employee of a foster family agency’s criminal background. CDSS is required, upon request by CWDs, to provide a list of individuals who are granted criminal record exemptions and are associated with state licensed foster family homes, certified family homes of licensed foster family agencies and group homes. In addition, the law requires CDSS to share summary information used in making the decision to grant a criminal record exemption. The law requires CDSS to issue an ACL on or before March 1, 2015, to specify how a county may request summary information, how the information will be used by CDSS and how the information may be used by a county. This law

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\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### ***Foster Family Homes (continued):***

further allows CDSS and CWDs to share any information regarding an individual subject to an administrative action. Existing law requires CDSS to maintain a centralized database for the monitoring and tracking of administrative actions taken, that will be used by other departments. The centralized database is contingent upon funding. Once a centralized database is developed, CDSS and CWDs will share any information regarding an individual's administrative actions.

**Juveniles** – W&IC sections 241.1, 635, 636, 730.6, 4096.5, and 11469; Health and Safety Code sections 1536 and 1538.7

Youth in FC are protected from being arrested and having charges filed against them due to minor incidents at group care facilities. The juvenile court is required to determine whether a delinquency petition, based on allegedly unlawful conduct by a foster youth at a group home, should be dismissed and the incident addressed through the group home's internal therapeutic and behavioral management program. CDSS and related stakeholders are also required to develop additional performance standards and outcome measures to determine the effectiveness of the care and supervision provided by group homes.

#### **2015**

**CCR** – Health and Safety Code sections 1524, 1529.2 and 1536

A foster family home license is forfeited when the licensee becomes an approved resource family. Existing foster parent training requirements sunset on January 1, 2017, and were replaced with revised and restructured requirements, intended to be flexible to meet the specialized needs of individual children and families. The revised training requirements became effective January 1, 2017, and sunset January 1, 2019, unless extended or deleted by a future statute. Professional organizations educating foster parents, including the Foster and Kinship Care Education Program of the CCC are allowed to request and receive the names and addresses of foster parents in California.

**Gender Identity** – Health and Safety Code section 1502.8; W&IC sections 16001.9 and 16006.

Personal rights for foster children were amended to include the right to be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records. The mandate that children and non-minor dependents be placed according to gender identify was reiterated with the addition of W&IC section 16006. Health and Safety Code section 1502.8 was added, requiring CDSS to adopt regulations consistent with this new personal right.

**Psychotropic Medication** – Health and Safety Code section 1529.2; W&IC section 16501.4

Existing pre-placement and post placement training requirements for foster parents on health issues in FC were expanded to include instruction on the oversight of psychotropic medications that are prescribed for children in care. CDSS is required to consult with the DHCS and other specified stakeholders to develop training for foster parents and others that addresses issues related to psychotropic medication such as authorization, risks, benefits, assistance with self-administration, oversight, substance use disorders, and mental health treatments.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Community Care Licensing\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### ***Foster Family Homes (continued):***

**Reasonable and Prudent Parent Standard** – Health and Safety Code section 1522.44;  
W&IC section 362.05

Licensed and certified foster parents are required to receive training related to the reasonable and prudent parent standard consistent with section 671(a) (24) of Title 42 of the United States Code. The training should include knowledge and skills relating to the reasonable and prudent parent standard for the participation of foster children in age or developmentally appropriate activities. Training includes applying knowledge and skills relating to the developmental states of the cognitive, emotional, physical, and behavioral capacities of a child. Training also includes applying the standard to decisions regarding whether to allow the child to engage in extracurricular, enrichment, cultural and social activities, including sports, field trips, and overnight activities. Aspects of the caregiver training requirements and of the reasonable and prudent parent standard itself are clarified in amendments to W&IC section 362.05.

#### **2016**

**E-Cigarettes** – Health and Safety Code section 1530.7

Persons licensed or certified to provide residential care in a foster family home or certified family home are already prohibited from smoking tobacco products inside the home, in any motor vehicle that is regularly used to transport children, and, when the child is present, on the outdoor grounds of the home. Effective January 1, 2017, the definition of “smoking” and “tobacco products” are amended to reflect the STAKE (Stop Tobacco Access to Kids Enforcement) Act’s definitions which now include the use of e-cigarettes.

#### **2017**

**RFA** – W&IC section 16519.5

Effective January 1, 2017, the RFA process implemented statewide. New applicants will no longer become licensed foster family homes and instead will undergo the RFA process. Counties have until December 31, 2019, to convert existing licensed foster family homes, and approved relatives and non-relative extended family members to resources families. For more information, please refer to page 43 of this tab, or the CCR premise.

#### **2018**

**Resource Family Approval** – Health and Safety Code section 1517.1; W&IC section 16519.5

The Resource Family Approval conversion deadline for existing licensed foster family homes and approved relatives and non-relative extended family members has been extended by an additional year. Counties now have until December 31, 2020, to convert existing licensed foster family homes and approved relatives and non-relative extended family members to resources families. By July 1, 2019, counties are required to notify approved relatives and non-relative extended family members and foster family homes licensed by the county of the extended conversion deadline. CDSS will also notify foster family homes licensed by the Department of the extended conversion deadline.

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\*Please refer to the first tab titled “[Acronyms](#)” for a full description of acronyms.

## Foster Care\*

### DESCRIPTION:

The FC Program is a service that is provided in all 58 counties through the CWS system which is California's primary statewide intervention program for abused, neglected, and/or exploited children. The primary payment source for FC is AFDC-FC.

Although children and youth can come into the state's FC program through several different doors, the vast majority come through a county child welfare agency as a result of being removed from their parents' custody and becoming a dependent of the juvenile court because they cannot live safely at home. Some older youth come into FC as a ward of the juvenile court on probation as a result of committing a criminal offense. Children who are being cared for by a non-related legal guardian may also receive FC benefits. Youth in FC may stay up to age 21, provided they meet certain participation criteria, or there is a verified medical condition which renders him/her incapable of meeting participation criteria.

When children or youth are removed from their parents' custody and placed in FC under the jurisdiction of the local juvenile court, state and federal laws require they be placed in the least restrictive placement necessary to meet their needs. In order of preference, the primary placement categories are:

- Non-custodial parent
- Relative or non-relative extended family member (e.g., godparent)
- Unrelated foster family home
- Supervised ILP (only for young adults)
- Foster Family Agency certified foster home
- Group home

When children are removed from their parents' custody, state and federal laws require that reasonable efforts be made to reunify the child with the parent(s). When it is not possible for the child to safely return to the parent(s) home, the law requires that a permanent plan be determined for the child. When permanency cannot be achieved through reunification, other options which provide the child a safe and stable permanent family must be pursued, specifically through adoption or guardianship. Reunification, adoption, or guardianship are the permanency options which allow a child to leave FC and court jurisdiction.

The juvenile court plays a key role for ensuring due process and accountability when children are removed from their homes. Court hearings are held every six months to ensure reasonable efforts are being made to meet the requirements of the case plan and the needs of the child are met.

### FUNDING:

Effective July 2011, the FC program is primarily funded with federal Title IV-E of the Social Security Act, LRF, and county funds. Other federal funds, such as TANF and Title XX, are also used for eligible program costs.

The responsibility for child welfare and protective services was realigned to the counties in 2011 as part of 2011 Public Safety Realignment. Pursuant to Proposition 30, legislation enacted after September 30, 2012, that has the overall effect of increasing the costs incurred by a local agency for programs or levels of service mandated by 2011 Realignment shall apply to

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Foster Care\*

### FUNDING (CONTINUED):

local agencies only to the extent that the state provides annual funding for the cost increase. Local agencies are not obligated to provide programs or levels of service required by legislation above the level for which funding has been provided. For more information regarding funding post 2011 Realignment, refer to the 2011 Realignment tab.

### ELIGIBILITY:

The six eligibility requirements for federal FC funding include:

- Deprivation: Deprived of a parent by absence, death, unemployment, or disability, at the time of removal and on-going.
- AFDC-FC Linkage: Home of removal (including child's income) qualifies for AFDC-FC at the 1996 income guidelines during petition month or in the six months prior to removal.
- Removal by Court Order: Language on the court order includes such phrases as: contrary to the welfare of the child to remain in the home; suitable placement and reasonable efforts made to prevent removal from the parent/guardian; or Voluntary Placement Agreement, which is only for 180 days and then the child must reunify, be removed by a court order, be released for adoption, or have the Voluntary Placement Agreement formally extended.
- Property: The child must have property and/or assets less than \$10,000.
- Residency: The child must have been a resident of California at the time when he/she entered FC.
- Citizenship: Only United States citizens, permanent legal residents, or those with permanent residence under Color of Law are eligible.

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 1982

##### **Public System of Statewide CWS** – W&IC section 16500

CDSS and the CWDs were required to establish and support a statewide system of CWS. Each county must maintain four specialized components: ER, FM, FR, and PP.

#### 1989

##### **Group Home Rate Structures** – W&IC section 11462

The FC group home rate structure was established and the CWS/CMS was authorized.

#### 1997

**Concurrent Planning** – Evidence Code section 1228.1; Family Code sections 8614, 8700, and 8714; Health and Safety Code sections 1502, 1505, and 1505.2; W&IC sections 300, 316.2, 361, 366, 387, 11400, 16206, and 16501.1

Existing law was amended to mandate concurrent planning to increase the likelihood that children who are unable to reunify with birth parents achieve permanency with relatives.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Foster Care\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 1998

**Adoption and Safe Families Act** – Family Code sections 8700, 8707, 8708, 8710.1, 8710.2, 8710.3, 8710.4 and 8711; Health and Safety Code sections 1505, 1530.8 and 1502.6; W&IC sections 319, 361.3, 361.5, 366, 366.1, 366.22, 366.26, 366.3, 366.4, 10950 and 11155.5, 11400, 14401, 11404.1, 11478.1, 16100, 16120, 16501.1, 16131, and 16508.1.

The federal Adoption and Safe Families Act was implemented in California to include shortened timeframes for reunification.

**FC Ombudsman** – Education Code sections 48850, 49069.5, 56140, 56200, 56205, 56366, and 56366.8; Family Code sections 7911, 7911.1, and 7912; Health and Safety Code sections 1520.1, 1520.11, 1522, 1522.02, 1522.03, 1522.04, 1522.41, 1522.42, 1522.43, 1522.1, 1522.4, 1534, 1534.5, 1538, 1538.5, 1548, 1550, 1558, 1558.1, 1563, 1568.042, 1568.082, 1568.09, 1568.092, 1568.093, 1569.1515, 1569.17, 1569.172, 1569.50, 1569.58, 1569.59, 1569.617, 1596.603, 1596.871, 1596.8713, 1596.877, 1596.885, 1596.8897, 1596.8898, and 1596.952; Penal Code section 11174.3; W&IC sections 366, 727.1, 827, 10609.3, 11402, 11404.5, 11461, 11462, 11463, 11465, 16501.1, 18358.30, 361.21, 5867.5, 11466.21, 11467, 16501.2, 16516.5, 16160, and 18987.6

The group home reforms were enacted and the FC Ombudsman program was established to provide a way to resolve issues affecting foster youth and caregivers.

#### 2001

**Child and Family Review Systems** – W&IC section 10601.2

A statewide process was established to review county systems and to provide assistance in meeting state and federal outcome measures.

**The ETV Program** – PL 107-133

This program was added to the Chafee FC Independence Program Act of 1999 (PL 106-169) via PL 107-133. The ETV program provides additional funding to meet the educational and training needs of youth who aged out of FC after the age of 16 or youth that are in extended FC. The law authorizes states to use the specified funding to provide vouchers of up to \$5,000 per year to financially assist eligible foster youth pursuing secondary education or job training programs after the age of 18 and up to 23 years old.

#### 2003

**Safe Surrender of a Newborn** – Health and Safety Code section 1255.7; Penal Code section 271.5

Statute permitted the surrender of a newborn to a safe-surrender site. Other provisions required certain information regarding the surrendering individual be kept confidential and safe-surrender sites post signs using certain specified signage.

**Education for Foster Children** – Education Code sections 48850(a)(1) and 48853.5(a-d); W&IC sections 16010(a) and 16501.1(f)(8)

New rights and duties concerning the education of foster children were created including the right to a least restrictive educational program; same access to resources, same services and activities as other pupils, educational liaison, continuation in school of origin despite changes in

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Foster Care\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

FC placement if requested, and approved by education rights holder and immediate enrollment in school at the time of placement or placement change. Courts, education rights holders, school districts, caregivers, and child welfare agencies are tasked to work together to advocate for educational needs of foster youth including consideration of education matters at all juvenile court hearings.

#### 2004

##### **Psychotropic Medication** – W&IC sections 369.5(c) & 739.5(c)

Judicial time frames were established within which to approve/deny a request to authorize psychotropic medication for a foster child.

#### 2006

##### **Child Welfare Leadership and Performance Accountability** – W&IC section 16540, 16541, 16541.5, 16543, 16543.5, 16544, and 16545

The Child Welfare Council was established as an advisory body responsible for improving collaboration among multiple agencies and the courts in the child welfare system. The Council was required to adopt outcome measures by 2008.

##### **Indian Children** – Family Code sections 3041, 7810, 7821, 7822, 7892.5, 7907.3, 8606.5, 8616.5, 8619.5, 8620, 8710, 9208, 9209, and 9210; Probate Code sections 1449, 1459, 1459.5, 1460.2, 1474, 1500.1, 1510, 1511, 1513, 1516.5, 1601, and 2112; W&IC sections 110, 224, 224.1, 224.2, 224.3, 224.4, 224.5, 224.6, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 305.5, 306.6, 317, 360.6, 361, 361.31, 361.7, 366, 366.26, 727.4, 10553.1, and 16507.4

Certain provisions of the federal Indian Child Welfare Act were codified, including tribal jurisdiction, notice of an intervention in child custody proceedings, entitlement of tribal acts and proceedings, placement preferences, and unsealing of adoption records.

#### 2009

##### **Health Care Coordination and Oversight** – W&IC sections 16010.2

Statute was amended to provide consistency with the federal Fostering Connections Act requiring CDSS to develop a plan, in consultation with pediatricians, health care experts, FC experts, and recipients of FC, for the ongoing oversight and coordination of health care services for youth in FC.

#### 2010-2013

##### **Federal Fostering Connections to Success Act** – PL 110-35; Family Code section 17552; Health and Safety Code sections 1501.1, 1502, 1505, 1502.7, 1536.1, and 1559.110; Penal Code section 11170; W&IC sections 241.1, 293, 295, 297, 300.3, 303, 317, 358.1, 360, 361.45, 361.5, 366, 366.21, 366.22, 366.25, 366.3, 366.31, 366.4, 388, 391, 450, 451, 452, 607.2, 607.3, 727.2, 727.3, 727.31, 728, 781, 785, 826, 10101.2, 10609.4, 11008.15, 11155.5, 11217, 11253, 11253.3, 11363, 11364, 11365, 11376, 11386, 11387, 11400, 11401, 11401.05, 11401.1, 11401.4, 11401.5, 11402, 11402.2, 11403, 11403, 11403.01, 11403.2, 11403.25, 11405, 11450, 11450.16, 11454.5, 11461, 11464, 11465, 11466.21, 11466.23, 11466.24, 13754, 13757, 16120, 16123, 16501, 16501.1, 16501.25, 16503, 16504, 16504.5, 16507.3, 16507.4, 16507.6, 16508, 16522, 16600, 16601, 16602, 16604, and 16604.5

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Foster Care\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

New state statutes were enacted to exercise the option in the federal Fostering Connections Act to extend FC up to age 21 as allowed via PL 110-351. The W&IC section 11400 amended the FC program, implemented on January 1, 2012, to allow foster youth (including those supervised by probation) to remain in care up to age 21 if they meet one of the five criteria described in the federal law. AB 12, along with follow up legislation (AB 212, AB 1712, and AB 787) created new placement options for youth aged 18 to 21 in the FC, adoptions assistance and Kin-GAP programs. Additionally, foster youth who exit care on or after age 18 are allowed to re-enter FC at a later date prior to reaching age 21. This aspect of the program is a unique shift in child welfare policy.

#### 2012-2013

**CCR** – W&IC section 319.2, 319.3, 361.2, 727, 11461.2, 11462.05, and 11463; Health and Safety Code section 1530.8

The CCR is focused on recommending changes to the state's current rate setting system, and services and programs serving children and families in the continuum of AFDC-FC eligible placement settings. The CCR implemented new criteria and approval requirements for placement of dependent children ages 12 and under into a group home.

#### 2014

**ARC Program** – W&IC sections 11461.3 and 11253.4

Effective January 1, 2015, children placed in FC with relative caregivers are eligible for increased payments equivalent to the basic rate paid to federal eligible FC providers.

This county-optional program provides state funding for participating counties to make per-child, per-month payments to ARCs in an amount equal to the basic federal FC rate. A county may "opt-out" of the program at any time, but must meet notification and other requirements.

#### 2015-2016

**CCR** – AB 403 (Chapter 773, Statutes of 2015) and AB 1997 (Chapter 612, Statutes of 2016)

Various provisions of statute were added or amended to implement recommendations put forth in CDSS' 2015 report: California's Child Welfare CCR. The report outlined a comprehensive reform effort to make sure that youth in FC have their day-to-day physical, mental, and emotional needs met; that they have the greatest chance to grow up in permanent and supportive homes; and that they have the opportunity to grow into self-sufficient, successful adults. For FC, AB 403 advances California's long-standing goal to move away from the use of long-term group home care by increasing youth placement in family settings and by transforming existing group home care into places where youth who are not ready to live with families can receive short term, intensive treatment.

#### 2016

**Infant Supplement Grant Increase** – W&IC section 11465

The Budget Act of 2016 provided an additional \$489 increase to the infant supplement grant. The infant supplement grant is an increase in the FC maintenance payment for a parenting youth that is paid to the caregiver, housing provider or the parent directly in the case of a Supervised ILP. The payment provides for the care and supervision of the child of the parenting

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Foster Care\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

youth. Any youth who has primary custody of their child is eligible for the infant supplement. The original base of the Infant Supplement Grant is part of the 2011 Realignment.

#### 2017

**Home-Based Family Care Rate** – W&IC section 11453, 11460 through 11463, 16000, 18358.30, and 18987.72.

The home-based family care rate reflects reform to the state's current rate structure. This new structure replaces the current age-based rate structure for out-of-home placements with a rate structure based on assessed LOC. The home-based family care rate structure also applies to new AAP, Kin-GAP, and Fed-GAP cases beginning January 1, 2017. For more information, refer to the CCR premise in the Estimate Methodologies section of this binder.

**ARC Program** – W&IC sections 11461.3 and 11253.4; also W&IC sections 11212, 11253.45, 11464, and 11465

Effective July 1, 2017, The Arc Program was required to be mandatory statewide. The ARC Program was initiated in 2015 as a county-optional program to supplement payments to ARCs of foster children who were ineligible for AFDC-FC. Between January 1 and July 1, 2017, counties not participating in ARC were required to make equivalent payments to ARCs. Also, effective July 1, 2017, ARC recipients were eligible for supplemental payments available to AFDC-FC recipients, including the infant supplement rate, dual-agency rate, and burial expenses.

**Emergency Child Care Bridge Program for Foster Children** – Education Code Section 8212; W&IC section 11461.6

Beginning January 1, 2018, counties participating in the Emergency Child Care Bridge for Foster Children may provide a time-limited child care voucher or payment to help pay for child care costs for foster children birth through age 12. Participating counties have an option to extend to a maximum of 12 months. Child care navigators are also available to eligible families to assist with finding a child care provider and developing a plan for long-term subsidized child care. Child care providers participating in the program are also eligible to receive access to trauma-informed care training and coaching.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Housing Programs\*

Housing programs under CDSS include five main programs which serve CalWORKs families, CWS families, individuals with a disability, and APS clients who are experiencing homelessness: 1) the CalWORKs Homeless Assistance program; 2) the CalWORKs Housing Support Program; 3) the Bringing Families Home program; 4) the Housing and Disability and Advocacy Program; and 5) the Home Safe Program.

### ***CalWORKs Homeless Assistance Program***

#### **DESCRIPTION:**

The CalWORKs Homeless Assistance program offers both temporary and permanent homeless assistance payments to eligible CalWORKs families once every 12 months, with exceptions. As of January 1, 2019, the temporary homeless assistance daily payment amount was increased for a family with up to four members from \$65 to \$85 a day. Each additional family member receives an additional \$15 a day, up to a daily maximum of \$145. Prior to January 1, 2019, the daily maximum was \$125. These payments can be used towards temporary lodging while the family is looking for permanent housing. They also can be used to pay up to two months of rent arrearages to help a family avoid eviction after receiving a “pay rent or quit” notice, or for a deposit and first month’s rent at a new residence. Payments cannot exceed two months of the family’s rent and their rent must not exceed 80 percent of the family’s total monthly household income. Families can receive both temporary and permanent homeless assistance in the same 12-month period as long as it is for the same instance of homelessness.

#### **FUNDING:**

The CalWORKs Homeless Assistance program is funded with the same fund sources as the CalWORKs Assistance program. Please refer to the CalWORKs program overview for more information on CalWORKs program funding.

#### **ELIGIBILITY:**

Families who are receiving CalWORKs or are eligible for CalWORKs, are either homeless or have received a “pay rent or quit” notice, and have less than \$100 in resources are eligible for CalWORKs homeless assistance once every 12 months, with exceptions. The exceptions to the 12-month limit on eligibility include: natural disasters, domestic violence, un-inhabitability due to sudden and unusual circumstances beyond the family’s control, and medically verified physical or mental illness.

#### **HISTORY OF MAJOR PROGRAM CHANGES:**

**1987**

##### **Housing Assistance Implementation** – W&IC section 11450

The Housing Assistance program originated with AFDC (which became CalWORKs in 1997), with a homeless assistance benefit amount of \$30 per day.

**1999**

##### **Increase in Benefit Amount** – W&IC section 11450

The homeless assistance benefit amount was increased to \$40 per day.

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\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.

## Housing Programs\*

### ***CalWORKs Homeless Assistance Program (continued):***

#### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

##### **2017**

##### **Elimination of Once-in-a-Lifetime Provision** – W&IC section 11450

Eligibility for the CalWORKs Homeless Assistance program was changed from receiving benefits once-in-a-lifetime to once in a 12-month period.

##### **2018**

##### **Expanded Eligible Population** – W&IC section 11450

AB 236 (Chapter 545, Statutes of 2017) expanded temporary homeless assistance benefits to include access to families with children in out-of-home placements that are receiving reunification services.

AB 557 (Chapter 691, Statutes of 2017) expanded temporary homeless assistance benefits to victims fleeing domestic abuse, regardless of any income or assets attributable to the abuser.

##### **2019**

##### **Increase in Benefit Amount** – W&IC section 11450

Effective January 1, 2019, the homeless assistance benefit amount increased to \$85 per day.

### ***CalWORKs Housing Support Program***

#### **DESCRIPTION:**

The CalWORKs Housing Support Program provides resources and housing support to CalWORKs families who are experiencing homelessness or housing instability that would be a barrier to self-sufficiency or child well-being. Housing Support Program services are intended to utilize evidence-based models including those established in the federal Department of Housing and Urban Development's Homeless Prevention and Rapid Re-Housing Program. The Housing Support Program assists homeless CalWORKs families in quickly obtaining permanent housing and provides wrap-around supports to promote housing retention. Housing Support Program assistance can be used by participating families for rental assistance, security deposits, utility payments, motel and hotel vouchers, and moving costs. Housing stabilization and relocation efforts also include, but are not limited to, outreach and engagement, landlord recruitment, case management, housing search and placement, legal services, and credit repair.

#### **FUNDING:**

The CalWORKs Housing Support Program costs for RNE cases and TANF timed-out cases are 100 percent MOE GF. The costs for safety net, long-term sanction, fleeing felon, TCVAP, and CalWORKs non-minor dependents are 100 percent non-MOE GF. All other costs are 100 percent TANF.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Housing Programs<sup>\*</sup>

### ***CalWORKs Housing Support Program (continued):***

#### **ELIGIBILITY:**

Families must be CalWORKs recipients and be homeless, as defined by program guidelines, in order to be eligible for assistance through the Housing Support Program.

A homeless recipient is defined as lacking a permanent and regular night time residence and either living in a shelter or place not meant for human habitation, or in receipt of a judgement for eviction as ordered by the court. The 52 counties currently operating a Housing Support Program have some flexibility regarding eligibility criteria.

#### **HISTORY OF MAJOR PROGRAM CHANGES:**

##### **2014**

##### **Housing Support Program Implementation** – W&IC section 11330

The CalWORKs Housing Support Program was established. The Budget Act of 2014 appropriated \$20 million in total funds for the program.

##### **2015**

##### **Increase to Funding** – Budget Act of 2015

The Budget Act of 2015 appropriated \$35 million to expand the Housing Support Program to more counties and families.

##### **2016**

##### **Increase to Funding** – Budget Act of 2016

The Budget Act of 2016 appropriated \$47 million in funds to the program.

##### **2017**

##### **Alignment with Housing First** – W&IC section 8255

SB 1380 (Chapter 847, Statutes of 2016) required all state-funded housing programs, including the CalWORKs Housing Support Program, to incorporate the core components of Housing First, an approach which includes housing individuals without preconditions and helping clients secure permanent housing as soon as possible. The statute change also established the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations of affected programs.

##### **2018**

##### **Increase to Funding** – Budget Act of 2018

The Budget Act of 2018 appropriated \$71.2 million in funds to the program.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **Housing Programs\***

### ***Bringing Families Home***

#### **DESCRIPTION:**

The Bringing Families Home program, established by AB 1603 (Chapter 25, Statutes of 2016), is intended to significantly reduce the number of families in the child welfare system experiencing homelessness, increase FR, and prevent FC placement. Bringing Families Home will provide housing (either rapid rehousing or permanent supportive housing) and intense case management services, with the goals of preventing removal of children from the home and reuniting children and parents.

#### **FUNDING:**

The Bringing Families Home program is state funded with a dollar-for-dollar county match requirement. The Budget Act of 2016 appropriated \$10 million GF (one-time) to fund the new program over a three-year period from July 1, 2016 through June 30, 2019.

CDSS allocated Bringing Families Home program funds to the following counties: King, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Luis Obispo, Santa Clara, Santa Cruz, Solano, Sonoma, and Yolo.

#### **ELIGIBILITY:**

To be eligible for the Bringing Families Home program, families must be homeless or have housing instability, and have an open FR or FM case with CWS. Homeless families seeking reunification will be prioritized.

### ***Housing and Disability Advocacy Program:***

#### **DESCRIPTION:**

The Housing and Disability Advocacy Program, established by AB 1603 (Chapter 25, Statutes of 2016), offers assistance in applying for disability benefit programs and offers housing supports to individuals who are disabled and experiencing homelessness. The Housing and Disability Advocacy Program is administered by individual counties and requires that those counties participating in the program provide outreach, case management, advocacy, and housing support services to all program recipients. The Housing and Disability Advocacy Program must be operated in a manner consistent with the core components of Housing First, which includes prioritizing housing services to individuals without preconditions and linking participants to permanent housing as soon as possible.

#### **FUNDING:**

The Housing and Disability Advocacy program is state funded with a dollar-for-dollar county match requirement. The Budget Act of 2017 appropriated \$43 million GF (one-time) to fund the new program over a three-year period from July 1, 2017 through June 30, 2020.

CDSS allocated Housing and Disability Advocacy program funds to the following counties: Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Humboldt, Inyo, Kern, Lassen, Los Angeles, Marin, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer,

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Housing Programs<sup>\*</sup>

### ***Housing and Disability Advocacy Program (continued):***

#### **FUNDING (CONTINUED):**

Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sonoma, Stanislaus, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

#### **ELIGIBILITY:**

Individuals with disabilities who are experiencing homelessness are eligible to receive Housing Disability and Advocacy Program services. Counties must ensure that populations with the highest needs are given priority, such as individuals experiencing chronic homelessness and those that most heavily rely on state- and county-funded services.

#### **HISTORY OF MAJOR PROGRAM CHANGES:**

##### **2016**

**Implementation of the Housing Disability and Advocacy Program** – W&IC sections 18999-18999.6.

The Housing Disability and Advocacy Program was established, with funding allocated through the Budget Act of 2017.

**Alignment with Housing First** – W&IC section 8255

SB 1380 (Chapter 847, Statutes of 2016) required all state-funded housing programs, including the Housing Disability and Advocacy Program, to incorporate the core components of Housing First, an approach which includes housing individuals without preconditions and helping clients secure permanent housing as soon as possible. The statute change also established the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations of affected programs.

### ***Home Safe Program***

#### **DESCRIPTION:**

The Home Safe program, established by AB 1811 (Chapter 35, Statutes of 2018), is intended to serve APS clients that are homeless or at risk of homelessness due to elder or dependent adult abuse, neglect, or financial exploitation. Home Safe provides homelessness prevention and short-term housing interventions to support safety and housing stability for individuals served by the local APS agency for both tribes and CWDs.

#### **FUNDING:**

The Home Safe program is GF funded with a dollar-for-dollar match requirement. The Budget Act of 2018 appropriated \$15 million GF (one-time) to fund the new program over a three-year period from July 1, 2018 through June 30, 2021. A portion of these funds are required to be used for program evaluation purposes.

CDSS anticipates allocation of Home Safe program funds to applicant tribes and CWDs in early 2019.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Housing Programs<sup>\*</sup>

### ***Home Safe Program (continued):***

#### **ELIGIBILITY:**

To be eligible for the Home Safe program, individuals must be at risk of homelessness or be recently homeless and in need of housing stability supports or services due to elder or dependent adult abuse, neglect, or financial exploitation. Individuals at risk of homelessness will be prioritized.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **DESCRIPTION:**

The IHSS programs provide an alternative to out-of-home care for low-income aged, blind, and disabled individuals. The IHSS consists of four program components: Medi-Cal PCSP; IHSS Plus Option, a Medi-Cal State plan option which replaced the IPW Program; CFCO, which became effective December 1, 2011; and the IHSS Residual program. For further details on these programs please refer to the IHSS Basic Services premise in the Estimate Methodologies section of this binder.

Recipients of all IHSS programs need program services in order to remain safely in their own home and avoid out-of-home care. The IHSS services include domestic and related services (e.g., housework, meal preparation, laundry, shopping), personal care services, accompaniment to medical appointments, protective supervision for recipients who may place themselves at risk for injury, hazard, or accident and paramedical services when directed by a physician.

### **FUNDING:**

The PCSP and IHSS Plus Option programs are eligible for FMAP of a 50 percent. The CFCO program is eligible for a FMAP of 56 percent effective December 1, 2011. The Residual program is funded by GF and county funds. The state and county previously shared the non-federal portion of the program costs at 65 percent state and 35 percent county for service costs and 70 percent state and 30 percent county for program administrative costs,

Under CCI, effective July 1, 2012, a MOE was established for counties to pay their share of cost for the program. Each county's MOE was based on final IHSS program and administration expenditures for FY 2011-12 and adjusted for savings for CFCO cases eligible for the additional six percent FMAP over a seven-month period. The CCI ended in January 2017 when the Department of Finance Director determined it was not cost-effective. Upon this determination, by law, the county IHSS MOE became inoperative July 1, 2017 and the program returned to the previous cost sharing methodology.

After subsequent negotiations with the California State Association of Counties and CWDA, a new county MOE was developed and implemented effective July 1, 2017. The new MOE will be based on actual FY 2017-18 expenditures after GF offsets.

Under the ACA, newly eligible Medi-Cal recipients are eligible for an enhanced FMAP on all services including IHSS. The enhanced FMAP was 100 percent through June 2016. As detailed in the ACA premise, this percentage gradually decreases to 90.0 percent. The average applicable rates will be 94.5 percent in FY 2017-18, 93.5 percent in FY 2018-19, 91.5 percent in FY 2019-20, and 90.0 percent each year thereafter.

### **ELIGIBILITY:**

Recipients of PCSP, IHSS Plus Option, and CFCO services must be eligible for federal Medi-Cal. The IHSS Plus Option recipients are not eligible for PCSP if services are provided by a spouse, a parent of a minor child, if the recipient receives advance pay, or if the recipient receives Restaurant Meal Allowance. The CFCO recipients must be determined eligible for Nursing Facility LOC. The Residual program serves individuals who are not eligible for Medi-Cal FFP, but meet SSI/SSP income standards, are aged (65 or older), blind or disabled, and have an assessed need for services to remain safely at home and avoid out-of-home care.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES:**

#### **1973**

**IHSS Program** – W&IC sections 12300 through 12314, 14132.95 and 14132.956

The IHSS Program was created to enable elderly, blind, and disabled individuals to live independently in the community.

#### **1978-1981**

**Equity Assessment Project**

This was a three-year project conducted by UC Berkeley, in three counties (Alameda, Contra Costa, and Marin). Historical needs assessment data was used to predict recipients' level of need for IHSS services. The project also permitted similar awards to individuals with similar needs, thus promoting equity (beginning of IHSS Assessment Uniformity).

#### **1981**

**Domestic Services Standard** – W&IC section 12310

The first state time-per-task standard, known as the Domestic Services Standard, was introduced.

#### **1992**

**Non-Profit Consortiums and Public Authority** – W&IC section 12301.6

Statute was added to allow a County Board of Supervisors to contract with a non-profit consortium, or to establish by ordinance a public authority for the delivery of IHSS.

**Federal Funding Approved for the IHSS PCSP**

On November 2, 1992, a State Plan Amendment was approved by the CMS allowing most IHSS services to be considered a Medi-Cal benefit under the new IHSS PCSP.

#### **1993**

**PCSP** – W&IC section 14132.95

The PCSP was implemented April 1, 1993.

#### **1998**

**Expansion of PCSP Eligibility** – W&IC section 18937

Statute was amended, expanding PCSP eligibility to include medically needy aged, blind, and disabled persons (previously, only categorically-eligible persons were eligible).

#### **1999**

**State Plan Amendment**

On April 1, 1999, a State Plan Amendment was approved by CMS expanding PCSP eligibility to include income-ineligible recipients (i.e., recipients with a share of cost).

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

**Employer of Record** – W&IC sections 12301.6, 12303.4, 12301.3, 12301.4, 12301.8, and 12302.25

Counties were required to act as or to establish an employer of record for IHSS providers for purposes of collective bargaining. Counties that had not established a public authority for the provision of IHSS services were required to establish an advisory committee to provide recommendations on modes and delivery of IHSS services. The IHSS Registry sales tax subaccount was also eliminated from the LRF and remaining funds were transferred to the GF.

#### **2000**

**IHSS Non-federal Sharing Ratios and State Participation in Wages and Benefits** – W&IC sections 12306.2 and 12306.3

Legislation established the non-federal share to be paid by the state and counties for any increases in provider wages and benefits and associated taxes. Limits were also defined for state participation in increases to wages and benefits.

#### **Non-Public Authority Counties**

Effective January 1, 2001, participation in the non-federal portion of any county-implemented increase in IHSS provider wages, benefits, and associated taxes was set at 65 percent state and 35 percent county. Wage increases were at county discretion and limited to no more than three percent above the statewide minimum wage.

#### **Public Authority Counties** – W&IC sections 12301

Participation in the non-federal portion of any increases in wages, benefits, and associated taxes that are negotiated by a public authority or a non-profit consortium was set at 65 percent state and 35 percent county participation. Increases in wages and benefits were subject to the following limits:

- The state will participate in wages up to \$7.50 per hour and in individual health benefits up to \$0.60 per hour for all public authority and non-profit consortium providers.

The state will participate in total wages and health benefits up to \$9.10 per hour if wages reached at least \$7.50 per hour. Gradual increases to wage and benefits were allowed for these specified providers over the four years following FY 2000-01, up to total combined wages and health benefits of \$12.10 per hour in the fourth year.

- State participation in subsequent year increases will only occur if wages had already reached \$7.50 per hour and GF revenue had exceeded the previous FY's GF revenue by at least five percent.
- State participation in wage and benefit increases in any FY will be limited to a maximum increase of \$1.00 per hour.

#### **Contract Counties:**

Funding was provided in FY 2000-01 for the increased state share of cost for existing contract counties that elected to increase their maximum allowable contract rates. Wages and benefits for contract providers are negotiated between the contractor and their local unions.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

#### **IHSS Advisory Committee** – W&IC sections 12301.3 and 12301.4

Each county that had not established a public authority was required to establish an advisory committee. The advisory committee in each county was also required to provide recommendations on certain modes of service to be utilized in the county for IHSS. The advisory committee membership will have to include one IHSS provider for a county that has an IHSS caseload of less than 500 and two IHSS providers for a county that has an IHSS caseload of more than 500. Reimbursement of the advisory committee's administrative costs was also allowed.

#### **2004**

#### **Improve Quality of IHSS** – W&IC sections 12301.21, 12305.7, 12305.71, 12305.72, 12305.8, 12305.81, 12305.82, 12305.83, 12317, 12317.1, and 12317.2

CDSS, counties, and DHCS were required to perform a number of activities that focus on improving the quality of IHSS. The key provisions included:

- Ongoing statewide social worker training.
- State oversight and monitoring of county QA activities.
- Hourly task guidelines, with exception criteria to promote accurate and consistent assessments, to provide social workers a tool for conducting assessments and service authorizations.
- Fraud prevention and detection activities that include collaboration among agencies to prevent/detect fraud and to maximize recovery of overpayments.
- Annual error-rate studies and data-match activities.

#### **IPW** – W&IC section 14132.951

The IPW State Plan Amendment was approved, allowing most residual recipients to be served in the waiver program (i.e., services provided by a spouse and/or parent of a minor child, or to those receiving Restaurant Meal Allowance or Advance Pay). The IPW was approved for five years, from August 1, 2004, through July 31, 2009, and extended until September 30, 2009.

#### **2009**

#### **Key Provisions of Fraud** – W&IC sections 12301.15, 12301.22, 12301.25, 12301.6, 12305.7, 12305.71, 12305.73, 12305.82, 12305.85, and 12305.86

CDSS, counties, and DHCS were required to improve detection, referral, investigation, and prosecution of fraud in the IHSS program, communication, and to develop collaboration between state and county agencies. The key provisions included:

- Provider orientation.
- Provider enrollment including fingerprinting and background checks, enrollment form, and signed agreement.
- Provider appeals.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

- Fraud prevention protocols clarifying state/county roles and responsibilities including targeted mailings, unannounced home visits, and county anti-fraud training.
- Policy guiding the use of Post Office boxes.
- Creation of the NOA to inform providers of recipient's authorized hours/services.

#### **County Fraud Plan Funding**

In FY 2009-10, CDSS approved county fraud plan funding for 45 counties to enable the development of the infrastructure necessary to support future fraud prevention operations.

#### **The IHSS Plus Option** – W&IC sections 14132.952

The IHSS Plus Option State Plan Amendment was approved on September 29, 2009, and the IHSS Plus Option became effective on October 1, 2009. The Social Security Act section 1915(i), Self-Directed Personal Assistance Services State Plan Option, was identified as the best replacement for the expiring IPW program.

#### **Statutory Reductions and Court Injunctions**

A minimum Functional Index Score threshold was created for IHSS Program services and this became the Oster I Lawsuit. The state financial participation rate for IHSS provider wages was capped at \$10.10 effective July 1, 2010. This became the Dominguez v. Schwarzenegger lawsuit. The "Share of Cost Buyout" program was eliminated.

### **2011**

#### **Statutory Reductions and Court Injunctions**

A 3.6 percent reduction in hours was implemented in February 2011. A 20 percent reduction in hours was triggered by the Budget Act in December 2011 which was not implemented, and became the Oster II Lawsuit and part of 2013 litigation settlement.

#### **Health Care Certificate Requirement**

Beginning August 2011 IHSS recipients are required to provide a Health Care Certificate from a licensed health care professional.

#### **Provider Enrollment Background Checks**

Tier 1 Crimes – In compliance with the requirements of W&IC section 12305.81 resulting from ABX4 19 (Chapter 17, Statutes of 2009), a person shall not be eligible to provide or receive payment for providing supportive services for ten years following a conviction for, or incarceration following a conviction for fraud against a government health care of supportive services program, abuse of a child (Penal Code 273a), or abuse of an elder or dependent adult (Penal Code section 368).

Tier 2 Crimes – In compliance with the requirements of W&IC section 12305.87 resulting from AB 1612 (Chapter 725, Statutes of 2010) expanded exclusionary crimes to include violent and serious felonies. It also allowed an individual recipient to hire a provider with these types of crimes by signing a waiver.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

#### **Community First Choice Option (CFCO)** – W&IC section 14132.956

The ACA of 2010 (enacted March 23, 2010) established a new State Plan Option entitled Community First Choice Option (CFCO). The CFCO provides home- and community-based services to individuals that would otherwise require a skilled nursing level of care. It also provides increased federal funding in the form of a six percent increase in the FMAP for CFCO eligible recipients. CDSS and DHCS submitted a State Plan Amendment to CMS on December 1, 2011. The State Plan Amendment was approved August 31, 2012, with implementation retroactive to December 1, 2011.

#### **2012**

#### **IHSS Automated System – CMIPS II Launched** – W&IC section 12302.2

The CMIPS II launched in pilot counties Merced and Yolo in July 2012. In September 2012, San Diego joined the pilot. Extensive work and training was conducted with counties/public authorities, labor organizations health benefit administrators and IHSS recipient/providers, and all 58 counties were transitioned to the new payrolling system by November 2013.

#### **2013**

#### **Oster I, Oster II, and Dominguez Lawsuits Settlement Process**

The IHSS Settlement Agreement, filed March 28, 2013, received preliminary approval on April 4, 2013. Court and legislative action was required by May 24, 2013. This lawsuit resulted in an eight percent reduction to IHSS Recipients hours effective July 1, 2013, through June 30, 2014. The reduction decreased to seven percent effective July 2014 and was determined to be ongoing, unless action was taken to offset the reduction.

**CCI** – Government Code 6531.5; Government Code Title 23; W&IC sections 10101.1, 12306, 12306.1, 12306.15, 12330, 14182, 14186, 14186.35, and 14186.36

The CCI was enacted to improve medical and long-term care coordination for individuals enrolled in both Medicare and Medi-Cal. In 2013, the program began phased implementation in seven pilot counties. The CCI legislation created Cal MediConnect, where both Medicare and Medi-Cal services are provided by a single managed care health plan. It also made IHSS a managed care benefit in the seven pilot counties in accordance with current IHSS program standards and requirements.

The W&IC sections 12300.7, 12306, 12306.1, and 12306.15 were amended and delinked CCI components to allow the mandatory enrollment of Medi-Cal and Medicare beneficiaries (dual eligible) into Medi-Cal managed care, the integration of long-term supports and services into managed care plans, and the commencement of the IHSS Statewide Public Authority to proceed separately from Cal Medi-Connect.

The IHSS Program funding structure was changed under the CCI legislation. The county share of IHSS costs previously established by 1991-92 State-Local Realignment legislation was replaced by a county Maintenance of Effort (MOE) requirement for all 58 counties beginning in FY 2012-13. The MOE was based on actual FY 2011-12 expenditures with an annual inflator of 3.5 percent beginning July 1, 2014. In addition to the annual inflation factor, the County IHSS MOE was adjusted for the annualized cost of increases in the provider wages or health benefits that were locally negotiated, mediated or imposed.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

**FLSA Final Rules Concerning Domestic Workers** – W&IC section 12300.41, 12301.1, and 12301.24.

On October 1, 2013, the United States Department of Labor issued its Final Rule concerning domestic workers under the FLSA. Under the final rule, CDSS is required to pay IHSS providers overtime wages and compensate providers for wait time during medical accompaniment and travel time between multiple recipients for whom they are providing IHSS.

State Statutes were amended and added to provide a limitation of the hours an IHSS provider can work in a week contingent upon implementation of the FLSA ruling. Providers cannot work more than 66 hours each week, less the seven percent reduction in hours while it is in effect (61 Hours). The 66/61-hour limit is based on the statutory maximum hours (283) an IHSS recipient can receive, divided by 4.33 weeks per month. It allows payment to IHSS providers for travel time, limited to seven hours per week, when traveling directly between different recipients on the same day to provide IHSS. CDSS or a county may terminate a provider from the IHSS program if he/she continually violates the overtime/travel time limitations. Statute was amended to require onsite orientation, completion of the IHSS provider application prior to attendance, oral presentations and written material translated into the IHSS threshold languages in the county. Statute also requires counties to provide time at the orientation for presentations by representatives of recognized employee organizations in the county.

#### **2014-2015**

**FLSA Final Rules Concerning Domestic Workers** – W&IC section 12300.41 and 12301.1

On December 22, 2014 and January 14, 2015, the United States District Court for the District of Columbia vacated the FLSA Final Rule. As a result of the District Court's decision, on January 15, 2015, CDSS announced a halt to the implementation of the changes related to overtime and travel time compensation for all IHSS providers which had been initially scheduled to go into effect on January 1, 2015.

#### **2015**

**Suspension of Seven Percent Reduction to IHSS Authorized Hours**

In accordance with provisions of SB 97 (Chapter 11, Statutes of 2015), effective July 1, 2015, the 7 percent reduction to IHSS authorized hours was suspended through June 30, 2016.

**Additional Reasonable Accommodations Available to Blind or Visually Impaired IHSS Applicants and Recipients to Ensure Access to the IHSS Program as Required by the Americans with Disabilities Act**

In April 2015, the State informed the CWDs of the additional resources that will be available to offer and provide reasonable accommodations to blind or visually impaired IHSS applicants and recipients, when requested, to ensure access to the IHSS program and related information. CDSS developed additional forms, policies, and procedures, and made changes to CMIPS to assist the CWDs with their responsibilities to comply with the Americans with Disabilities Act. These additional resources to all CWDs were implemented beginning in April 2015 with a pilot in three counties. The additional reasonable accommodation resources include: Notices of Action available in large font, audio/text CD and braille; provider timesheets available in large font, and a telephonic timesheet approval system.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

#### **2015-2016**

##### **FLSA Final Rules Concerning Domestic Workers** – W&IC section 12300.41 and 12301.1

On August 21, 2015, the Appellate Court for the District of Columbia Circuit reversed the District Court's decisions. This decision effectively reinstated the FLSA final rule described above as adopted by the United States Department of Labor. Because of this reversal, CDSS reinstated implementation of the overtime and travel time policies for IHSS providers in the State of California.

The National Association for Home Care & Hospital and the other co-plaintiffs in the lawsuit filed an Emergency Application to Stay the Court of Appeals ruling with the United States Supreme Court on September 28, 2015. The stay was not issued and the new rules regarding overtime, travel time, and wait time compensation for home health care workers went into effect on October 13, 2015. The United States Department of Labor delayed implementation for 30 days after that date to allow states the time necessary to implement the new rules.

On November 6, 2015, the state announced that the payment of overtime, travel time, and wait time compensation to home health care workers (including IHSS providers) would be implemented on February 1, 2016. On November 19, 2015, the National Association for Home Care & Hospital filed a Writ of Certiorari with the U.S. Supreme Court to request the Court to review the appeal. The Supreme Court review of the appeal was entirely discretionary, and no announcement was made on the Court's decision to review the case.

On February 1, 2016, CDSS implemented the provisions of SB 855 and SB 873 based on the Federal FLSA which required that IHSS providers be compensated for overtime, in addition to travel and wait time. The statute also established limits on the number of authorized hours that providers are permitted to work in a workweek. Under the new rules, the maximum amount of time that an individual provider can work providing services for two or more IHSS recipients in a single workweek is 66 hours.

Beginning July 1, 2016 after a five month hold harmless period for overtime violations, providers who submit timesheets reporting work that exceeds the workweek limits will accrue violations that could result in an IHSS provider's program eligibility being suspended or terminated up to one year. The CDSS established two exemptions from workweek limits beginning May 1, 2016 to maintain continuity of care and to ensure that IHSS recipients can remain safely in their homes. The specific requirements for these exemptions were provided in ACL No.16-07 and ACL No. 16-22.

#### **2016**

##### **Minimum wage: Increase** – Section 1182.12 of the Labor Code

SB 3 allows for IHSS providers to be paid for sick leave starting July 1, 2018. By 2022, providers may be paid for up to 24 hours of paid sick leave per year. SB 3 also increases the statewide minimum wage to \$15 per hour for employers of 26 employees or more by 2022.

##### **Retirement Savings Plans (SB 1234)** – Section 100000 of the Government Code

SB 1234 provides for the California Secure Choice Retirement Savings Program (Secure Choice) to begin implementation of a retirement savings plan for private-sector employers that do not offer an employer-sponsored retirement plan or automatic-enrollment payroll deduction Individual Retirement Arrangement savings arrangement. Existing law established Secure

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **In-Home Supportive Services\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

Choice in 2012 and required its Board to include the State Controller, State Treasurer, Director of Finance, and legislative appointees.

Providers of IHSS would be eligible to participate in Secure Choice provided the CDSS and the Department of Finance certify the following: (1) their inclusion meets all state and federal legal requirements; (2) the appropriate employer of record is identified for purposes of meeting employers' requirements; (3) payroll deductions can be implemented at reasonable cost, and (4) their inclusion does not create a financial liability for the state or employer of record.

Secure Choice would enroll eligible employees in a personal retirement account and make automatic contributions of three percent of their earnings into their account. Employees would be able to participate in annual automatic escalations of contribution rates, opt out of these escalations, or opt out of Secure Choice entirely. After the Secure Choice board opens enrollment, the employer of record for IHSS providers would be required to have payroll deductions arranged within 36 months.

#### **IRS Live-In Exclusion**

In March 2016, the IRS informed CDSS that the IHSS wages received by IHSS providers who live with the recipient of those services are excluded from gross income for purposes of Federal Income Tax. This ruling also applies to State Income Tax. Due to this ruling three CMIPS II components were impacted and required system changes: Case Management, Payroll, and Reporting. Changes to CMIPS were implemented in December 2016. In January 2017, the CDSS began allowing IHSS and Waiver Personal Care Services providers to self-certify whether they live in the same home with the recipient for whom they provide services.

### **2017**

#### **IHSS Electronic Timesheets**

On June 5, 2017, the CDSS implemented a new Electronic Timesheet Service that allows IHSS and Waiver Personal Care Services providers and recipients in three pilot counties, Sacramento, Yolo, and Riverside, to electronically submit and approve timesheets through a new Electronic Timesheet Service website using a tablet, smartphone, laptop, or computer. The Electronic Timesheet Service is an optional service that is meant to reduce the time for an IHSS or Waiver Personal Care Services timesheet to be received and processed by eliminating the reliance on the United States Postal Service. The Electronic Timesheet Service is an easy to use, self-service portal that allows IHSS and Waiver Personal Care Services providers and recipients to self-register, enroll, submit timesheets, review and approve timesheets, and check timesheet and payment status. The existing Telephone Timesheet System, originally implemented for the blind and visually impaired recipient population, was modified for recipients, who are not familiar with the internet or don't have a device they can access the internet, to be able to approve electronically submitted timesheets via the telephone. Statewide implementation proceeded in a four-wave rollout approach with a group of counties going live every four weeks. The implementation rollout began August 7, 2017 and completed November 6, 2017.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## In-Home Supportive Services<sup>\*</sup>

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

**IHSS Inoperative Under Managed Care** – Section 6531.5 of the Government Code; Title 23 of the Government Code; W&IC sections 10101.1, 12306, 12306.1, 12306.15, 12330, 14182, 14186, 14186.35, and 14186.36

In January 2017, the CCI ended when the Department of Finance Director determined it to be not cost-effective. This determination eliminated IHSS as a managed care benefit in the seven CCI pilot counties. Additionally, it eliminated state level bargaining for IHSS wages and benefits in CCI counties as well as stakeholder activities around development of a universal assessment tool. When CCI ended, the IHSS MOE also ended effective June 30, 2017. This resulted in the creation of a new IHSS MOE for the county share.

**New MOE** – SB 90 (Chapter 25, Statutes of 2017)

To mitigate some of the fiscal impact to counties caused by the ending of the previous IHSS MOE, the 2017 Budget Act authorized a new IHSS county MOE structure beginning

July 1, 2017. Under the new county MOE structure, each county is responsible for paying a MOE based on FY 2017-18 actual expenditures which is adjusted for locally negotiated, mediated, imposed, or adopted by ordinance increases to wages and/or benefits (health and non-health), and an annual inflation factor. Additionally, under the new MOE structure, the amount of State participation in County IHSS administration including costs associated with the CMIPS and Public Authority administration is capped at the amount appropriated in the State Budget. Each county is responsible for paying 100 percent of the non-federal share of any administrative costs that exceed the State participation cap.

### 2018

**Wage Supplement** – AB 110 (Chapter 8, Statutes of 2018).

Under W&IC Section 12306.16 (d)(7), the counties may negotiate a wage supplement to the highest wage rate paid by the county. The county's MOE will include a one-time adjustment by the amount of the increase. The wage supplement will be subsequently applied to the county individual provider wage when the increase takes effect at the same time as the state minimum wage increases.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Immigration Services\*

### DESCRIPTION:

Immigration services are provided to immigrants residing in, or formerly residing in, the state of California. The Immigration Services program began in 2015 and is administered by CDSS. The components of the program include services to increase access to DACA,<sup>1</sup> other immigration remedies,<sup>2</sup> naturalization, and removal defense legal training and technical assistance to CDSS contractors that provide immigration legal services to these applicants; and education and outreach activities to immigrant communities.

These services expand access and referrals to reputable sources of legal immigration services, including eligibility screening and application processing, for individuals who are potentially eligible for DACA, other immigration remedies, removal defense, and naturalization. Immigration services resources are used to: 1) identify and develop effective approaches for informing and educating immigrant communities about the importance of deferred action, naturalization, or other immigration remedies; 2) assist immigrants with locating resources for application assistance, legal advice, and legal representation; 3) develop outreach strategies tailored to the needs of low-income, underserved, and hard-to-reach immigrant communities in California to promote full and inclusive participation; and 4) provide ongoing legal training and technical assistance to contracted nonprofit organizations that provide immigration legal services.

### FUNDING:

These immigration services are funded with 100 percent GF. The funding is awarded to qualified nonprofit organizations to provide the services.

### ELIGIBILITY:

Contractors must meet the requirements set forth in Internal Revenue Code section 501(c)(3) or 501(c)(5). Additionally, the following outlines the minimum criteria for nonprofit organizations to receive funding.

#### **Legal Services – DACA, Other Immigration Remedies, Removal Defense, and Naturalization**

The contractor must have at least three years of experience handling immigration cases, must have applied for, be recognized, and be accredited by the Office of Legal Access Programs under the U.S. DOJ's Executive Office for Immigration Review, or must meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

#### **Training and Technical Assistance**

The contractor must have at least ten years of experience conducting immigration legal services and technical assistance, and must meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

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<sup>1</sup>DACA application services are currently available but may not be awarded, or proposed service deliverables may be eliminated or adjusted in the future in the event of any rescission of DACA, litigation, and/or other potential congressional action.

<sup>2</sup>Other immigration remedies include, but are not limited to: U visa, T visa, Special Immigrant Juvenile Status, Violence Against Women Act self-petitions, family-based petitions, asylum, or other remedies.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Immigration Services\*

### ELIGIBILITY (CONTINUED):

#### **Education and Outreach Assistance**

The contractor must have at least three years of experience conducting education and outreach with immigrant populations and at least three years of experience conducting outreach for government benefits and programs.

Clients must meet the requirements set forth by United States Citizenship and Immigration Services to be eligible for one of the three service categories.

#### **General Eligibility Requirements for DACA<sup>1</sup>**

The applicant must have been under the age of 31 as of June 15, 2012, entered the United States before reaching their 16th birthday, continuously resided in the United States since June 15, 2007, been physically present in the United States on June 15, 2012 and at the time of making their request for consideration of deferred action with United States Citizenship and Immigration Services, and had no legal status on June 15, 2012.

In addition, the applicant must currently be in school, have graduated or obtained a certificate of completion from high school, have obtained a General Education Development certificate, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States. Furthermore, the applicant must not have been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and must not otherwise pose a threat to national security or public safety.

#### **General Eligibility Requirements for Naturalization**

The applicant must be age 18 or older at the time of filing for naturalization and have had lawful permanent residency for at least five years, have been physically present in the United States for at least 30 months of the five years immediately preceding the date of filing the application, and have lived within the State or United States Citizenship and Immigration Services district with jurisdiction over the applicant's place of residence for at least three months prior to the date of filing.

In addition, the applicant must have demonstrated good moral character for the five years prior to filing for naturalization and during the period leading up to the administration of the Oath of Allegiance.

The applicant must have an attachment to the principles of the United States Constitution and be well disposed to the good order and happiness of the United States during all relevant periods under the law. The applicant must also be able to read, write, speak, and understand English and have knowledge and an understanding of United States history and government.

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<sup>1</sup>DACA application services are currently available but may not be awarded, or proposed service deliverables may be eliminated or adjusted in the future in the event of any rescission of DACA, litigation, and/or other potential congressional action.

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## Kinship Guardianship Assistance Payment\*

### DESCRIPTION:

The state-funded Kin-GAP and federally-funded Kin-GAP programs are permanency and payment programs that promote moving a child or youth who is a dependent or ward of the juvenile court from AFDC-FC or CalWORKs to a permanent home with an approved relative or non-relative extended family member through legal guardianship. The programs ensure stability through support of the legal guardian by continuing a benefit payment in addition to the child or youth's continued eligibility for Medi-Cal as a former foster child.

The non-federal Kin-GAP program was first established in January 2000. California restructured the Kin-GAP program to meet federal eligibility requirements contained in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) to draw down federal funds and to provide additional benefits to program recipients. Effective October 2011, California established the federal Kin-GAP program and started receiving Title IV-E funding for eligible guardianship cases. The restructuring of the program included:

- 1) reducing the amount of time (from 12 months to 6 months) the dependent/delinquent youth must live with the approved relative caregiver prior to establishing legal guardianship;
- 2) executing a written agreement with the approved caregiver which provides that the payment can be periodically renegotiated to address change in circumstances of the legal guardian or needs of the (former) dependent; and 3) interstate portability of benefits if the family moves outside California.

The state program also allows for an extended Kin-GAP program under certain circumstances (discussed further in the Eligibility section). The federally-funded Kin-GAP Program was further modified to allow for a successor guardian in the event the current guardian dies or becomes incapacitated.

The definition of relative was expanded for the federal Kin-GAP program. The expanded statutory definition of relative care providers is those "who have established a significant and family-like relationship with the child, or is a member of the Indian child's tribe or an Indian custodian" and allows these children to be eligible for a Kin-GAP payment and other associated program benefits, including interstate portability of the benefit payment and access to federal Medicaid. Previously, a child who was federally eligible while in foster care residing with the current foster parent, a non-relative extended family member or a tribal member who became the legal guardian was not eligible for Kin-GAP benefits. Rather, the caregiver became a non-related legal guardian.

### FUNDING:

The Kin-GAP program is funded with GF and county funds, as well as Title IV-E of the Social Security Act for federally eligible cases and TANF funds for non-federally eligible cases.

### ELIGIBILITY:

To be eligible for Kin-GAP, all of the basic eligibility requirements must be met:

- The relative guardian has been assessed/approved as meeting licensing standards or Resource Family Approval. Efforts to return the youth/non-minor former dependent to the parent(s) have failed and the dependent/delinquent youth cannot return home.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



## Kinship Guardianship Assistance Payment\*

### ELIGIBILITY (CONTINUED):

- The family, approved relative and youth have no need for ongoing supervision or supportive services from the public agency.
- The approved relative is appointed legal guardian of the youth and court jurisdiction is terminated.
- The agency has entered into a written, binding agreement with the legal guardian and non-minor former dependent, if appropriate.
- To qualify for extended Kin-GAP, the youth must have been 16 years old before negotiated payments began and also meet one of five statutorily specified participation criteria. However, if there is a documented physical or mental disability, the youth may qualify for extended Kin-GAP up to age 21 no matter how old the youth was when entering the Kin-GAP program.

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 1998

**Implementation** – W&IC sections 11360 through 11370

The state Kin-GAP program was established with an implementation date of June 1, 1999.

#### 1999

**Rate Implementation** – W&IC sections 11364, 11370, and 11373

The Kin-GAP program implementation was delayed until January 1, 2000. The Kin-GAP rate was established to be equivalent to the basic FC rate. CDSS was required to report program outcomes to the Legislature two and five years after program implementation.

#### 2000

**Exemptions** – W&IC sections 11374 and 11375

The Kin-GAP program was exempted from CalWORKs provisions, with certain exceptions. Recipients were authorized to request and receive independent living services and retain certain cash savings.

#### 2001

**Exemptions of Fingerprints** – W&IC section 11372

The Kin-GAP program exempted adult caregivers for recipients of program benefits from the requirement to be fingerprinted in order to establish legal guardianship.

#### 2006

**Expanded for Probation Youth** – W&IC sections 11363 and 11364

The Kin-GAP program was expanded to include probation youth. Recipients were allowed to continue to receive a SCI, if paid, while in FC and were provided a \$100 annual state supplemental clothing allowance.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Kinship Guardianship Assistance Payment\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2010

##### **Established a Federally Funded Program** – W&IC sections 11385 and 11393

The Kin-GAP program was modified, effective January 1, 2011, following enactment of the federal Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351) that permitted FFP for states that opt in by meeting federal requirements. A federally funded Kin-GAP program was established and amendments were made to the state-funded Kin-GAP program. Time in care with the prospective relative guardian was reduced from 12 months to 6 months. Interstate portability of benefits for recipients who move out-of-state/country was added. Renegotiation of the benefit amount based on changes in youth's/non-minor former dependent's needs or changed circumstances of relative legal guardian was permitted. The benefit payments are also available until age 21 for minor/non-minor former dependents meeting specific criteria.

#### 2011

##### **Nonrecurring Costs** – W&IC section 11364

The Kin-GAP program was modified to conform with federal law providing reimbursement to relative legal guardians for reasonable and verified nonrecurring expenses incurred for legal guardianships established after January 1, 2012. The "High School Completion Rule" was also restored for the Kin-GAP population.

#### 2012

##### **Expanded Definition of Relative** – W&IC section 11391

The Kin-GAP program was modified to expand the definition of "relative" for purposes of the federally funded program to include a non-relative extended family member, tribal kin, or a current caregiver of a foster child, as specified.

#### 2013

##### **Non-minor Dependent Re-Entry** – W&IC section 388.1

The Kin-GAP program was modified to allow re-entry into non-minor dependency for non-minor former dependents whose legal guardian died before the former non-minor dependent's 21<sup>st</sup> birthday.

#### 2015

##### **Successor Guardianship** – W&IC section 11386(i)

The Kin-Gap program was modified to provide continued eligibility in the federally funded program in the event the current relative guardian passes away or is otherwise incapacitated and is no longer able to care for the child. The replacement guardian is referred to in statute as a "successor guardian."

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Kinship Guardianship Assistance Payment\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 2017

**Home-Based Family Care Rate** – W&IC sections 11364, 11387, 11453, 11460 through 11463, 16000, 18358.30, and 18987.72

The home-based family care rate reflects reform to the state's age based structure with a rate structure based on assessed LOC rates. The home-based family care rate structure applies to state and federally-funded Kin-GAP cases from January 1, 2017. For more information, refer to the CCR premise in the Estimate Methodologies section of this binder.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Office of Child Abuse Prevention\*

### DESCRIPTION:

The OCAP issues grants and administers county allocations to assist local and private agencies with capacity building and with program implementation that strengthen families and networks to prevent child abuse and neglect. The OCAP oversees both state and federal funding sources for the prevention, intervention and treatment of child abuse and neglect. State funding sources include CAPIT and the State Children's Trust Fund. Federal funding sources include PSSF and those under CAPTA, consisting of Title I section 106 and Title II, otherwise known as CBCAP. The CAPIT funds are used to fulfill federal CBCAP grant matching and leveraging requirements.

#### CAPIT

Requirements are contained in W&IC sections 18960 through 18964. With the 2011 Realignment, counties may now use CAPIT funds in-house to provide direct services (i.e., home visiting, counseling, etc.) to the target population as long as federal match requirements continue to be met.

#### State Children's Trust Fund

This program provides funding for innovative child abuse and neglect prevention, and intervention projects utilizing deposits generated from California birth certificate surcharges, Kids' Plates revenues, and private donations. The State Children's Trust Fund is used to research, evaluate, and disseminate information to the public, to establish public-private partnerships with foundations and corporations, and to increase public awareness about child abuse and neglect.

#### PSSF Program

The primary goals of the PSSF program are to prevent the unnecessary separation of children from their families and improve the quality of care and services to children and their families. The PSSF program also ensures permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement. The PSSF funding is used to support services to strengthen parental relationships and promote healthy marriages; increase relationship skills within the family to prevent child abuse and neglect; and promote timely FR when children must be separated from their parents for their own safety. The PSSF funds are also to be used by child welfare agencies to remove barriers which impede the process of adoption when children cannot be safely reunited with their families. The funding addresses the unique issues adoptive families and children may face.

#### CAPTA

This program provides improvements statewide in areas such as: 1) content and provision of trainings and technical assistance to child welfare agencies and community organizations; 2) risk and safety assessment tools used to determine which services a family might require; 3) the capacity of family resource centers and family support programs to provide assistance for strengthening families and communities; and 4) the training of parents to act as leaders in their communities, grounded in the use of the five protective factors.

Evaluating current practices and procedures for assessments and service provision to children and their families to determine the efficacy of the following practice or procedure: 1) oversight and review of prevention and intervention practices and protocols to make recommendations to state and local agencies on areas of improvement; 2) the use of evidence-based research and evaluation in child welfare practices to ensure best practices are used statewide; 3) Statewide

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Office of Child Abuse Prevention\*

### DESCRIPTION (CONTINUED):

data collection system for more accurate reporting and evaluation of current child protective services.

### FUNDING:

Funding for the CBCAP and CAPTA federal grants are 100 percent federal funds. The State Children's Trust Fund program is funded 100 percent GF generated through taxes.

The responsibility for child welfare and protective services was realigned to the counties in 2011 as part of 2011 Public Safety Realignment. Pursuant to Proposition 30, legislation enacted after September 30, 2012, that has the overall effect of increasing the costs incurred by a local agency for programs or levels of service mandated by 2011 Realignment shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Local agencies are not obligated to provide programs or levels of service required by legislation above the level for which funding has been provided. For more information regarding funding post 2011 Realignment, refer to the 2011 Realignment tab.

### ELIGIBILITY:

Counties are not required to participate in the CBCAP program. To receive the allocation, counties must submit an application and report annually on activities from the previous year. Through the annual application process, counties agree to specific CBCAP requirements and assurances. Currently, 57 counties have elected to participate in the CBCAP in which funds are used to target services to vulnerable families with children that are at risk of abuse and/or neglect. CBCAP funds support primary prevention programs and activities meant to impact families prior to allegations of abuse and/or neglect. Funding also supports secondary prevention programs and activities that target families with one or more risk factors, including families referred to a child welfare hotline for abuse and/or neglect.

The CAPIT target population includes children who are at high risk, children who are being served by CWDs for abuse and/or neglect, and other children who are referred for services by legal, medical, or social services agencies and their families.

### OTHER PROGRAM INFORMATION:

Approximately 1.7 million individuals and families have been served using CBCAP, CAPIT, and PSSF funds during FFY 2017. Under CBCAP, approximately 13.8 million individuals received public awareness and education materials.

### HISTORY OF MAJOR PROGRAM CHANGES:

1974

#### CAPTA – PL 111-320

The CAPTA provides for, and guides, child protection at the federal and state level. It provides federal funding to states in support of prevention, assessment, investigation, prosecution, and treatment activities and also provides grants to public agencies and non-profit organizations, including Indian Tribes and Tribal organizations, for demonstration programs and projects. The CAPTA also set forth a minimum definition of child abuse and neglect as follows: any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Office of Child Abuse Prevention\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

emotional harm, sexual abuse, or exploitation; or an act or failure to act which presents an imminent risk of serious harm.

#### 1978

##### **OCAP** – W&IC sections 18950 and 18952

The OCAP was established to address growing concern about child abuse in the state of California. These statutes task OCAP with planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

#### 1979

##### **Application for Federal Funds** – W&IC section 18958

California statute directs OCAP to apply for federal funding for the administration of its functions and duties, specifically: technical assistance to public and private agencies and organizations; training for relevant personnel; program coordination; innovation; and relevant research and data to determine program efficacy.

#### 1982

##### **CAPIT** – W&IC sections 18960 through 18964

AB 1733 (Chapter 1398, Statutes of 1982) established CAPIT to provide funds to community-based public and private agencies to provide prevention and intervention services to children at high risk of abuse and/or neglect and their families. Funds are used as in-kind match to fulfill federal CBCAP grant matching and leveraging requirements. As such, these funds cannot be used as a match for other federal funds. Funds shall be used for CAPIT services as described in statute and regulation.

#### 1983

##### **County Children's Trust Funds** – W&IC sections 18966 through 189671

Statute allows for a county board of supervisors to establish a County Children's Trust Fund to be used for child abuse and neglect prevention and intervention programs. Each county shall also fund Child Abuse Prevention Coordinating Councils from its County Children's Trust Fund.

#### 1988

##### **State Family Preservation** – W&IC sections 16500.5 through 16500.8

The State Family Preservation is a state funded program aimed at reducing the necessity of out-of-home placement of children who have experienced child abuse or neglect within the family and, when appropriate, at expediting the reunification of children with their families when the children are in out-of-home placements. CDSS utilizes State Family Preservation local expenditures to meet MOE requirements for the PSSF Program as well as the federal match for PSSF.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Office of Child Abuse Prevention\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

#### 1993

##### **PSSF** – PL 109-288

The PSSF federal program under Title IV-B, subpart 2 of the Social Security Act provides funding for states to operate coordinated child and family services. Services include community-based family support, family preservation, time-limited FR, adoption promotion and support to prevent child maltreatment among at-risk families, assure safety and stability of maltreated children, and support adoptive families.

#### 1996

##### **CBCAP** – PL 111-320

The CBCAP is Title II of CAPTA and is used: to support community-based efforts to develop, operate, expand, enhance and coordinate initiatives, programs and activities to prevent child abuse and neglect; to support the coordination of resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and to foster understanding, appreciation, and knowledge of diverse populations in order to effectively prevent and treat child abuse and neglect.

#### 1997

##### **PSSF** – PL 105-89

The program was reauthorized under the Adoption and Safe Families Act (PL 105-89) and established two additional service components: time-limited reunification and adoption support services.

#### 2010

##### **CAPTA Reauthorization Act** – PL 111-320

Congress strongly encouraged state and local child protective services agencies to utilize the practice of differential response. Differential response is described as “a state or community-determined formal response that assesses the needs of the child or family without requiring a determination of risk or occurrence of maltreatment.” One goal of the act is to develop differential response systems so that more preventative services can be offered to strengthen families and protect children from harm.

#### 2011

##### **Child Welfare Realignment** – W&IC sections 18960, 18961, 18962, and 18963.

The funding for the CWS program, which includes CAPIT and State Family Preservation, was realigned from the state to the county. With this implementation, counties are no longer required to contract for services, but are able to use their funds in-house for direct services as long as federal match requirements continue to be met. For more information, refer to the 2011 Realignment tab.

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\*Please refer to the first tab titled [“Acronyms”](#) for a full description of acronyms.



## Refugee Programs\*

### DESCRIPTION:

CDSS provides statewide administration of California's Refugee Resettlement Program and the Cuban/Haitian Entrant Program within pertinent federal guidelines, funding constraints, and the State Plan. CDSS is responsible for managing and coordinating the delivery of benefits and services of the following programs:

#### **RCA**

The RCA program includes cash grants provided to refugees during their first eight months in the United States if they are not otherwise eligible for other welfare programs. RCA administrative costs include salaries and benefits of eligibility workers and first line supervisors who determine eligibility and provide ongoing case management for the program.

#### **Refugee Support Services**

Refugee Support Services provides employment-related services, such as employability assessment, on-the-job training, English language training, and vocational training to refugees through CWDs and contracting agencies. Services are funded based on arrival information to the state over the previous two years.

#### **Targeted Assistance**

Targeted Assistance provides services to refugees to enable them to be placed in employment or to receive employment training. Targeted Assistance grants are available to high refugee-impacted counties. Program components include employment services, work experience, vocational training, vocational English as a second language, on-the-job training, economic development, and skills upgrading. In addition to regular targeted assistance funds, the federal government can award Targeted Assistance discretionary funds to the state for specific local projects. Targeted Assistance funding was eliminated by the United States Office of Refugee Resettlement at the end of FFY 2018.

#### **Refugee School Impact Program**

The Refugee School Impact program provides services to school-age refugee children and their families. Services provided by local educational agencies include intensive and innovative educational interventions to assist refugee children with improving English fluency and progressing toward grade-level proficiency.

#### **California Newcomer Education and Well-Being Project**

The California Newcomer Education and Well-Being project provides funding to school districts with a significant number of eligible students to improve their well-being, English-language proficiency, and academic performance. California Newcomer Education and Well-Being project funding is intended to assist school districts in planning, designing, and implementing supplementary instructional and social adjustment support services. The California Newcomer Education and Well-Being project intends to address the needs of eligible students by fostering collaborative relationships between participating school districts, community-based organizations, and service providers. This program is 100 percent funded through GF. In the CDSS budget, this item is referred to as the Funding for Schools with High Refugee Enrollment premise.

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\*Please refer to the first tab titled ["Acronyms"](#) for a full description of acronyms.

## Refugee Programs\*

### DESCRIPTION (CONTINUED):

#### **Services to Older Refugees Program**

The Services to Older Refugees program provides funding to assist refugees who are 60 years of age or older to access mainstream aging services in their community. This program ensures that older refugees receive assistance to naturalization services and services to remain independent as long as possible.

#### **Youth Mentoring Program**

The Youth Mentoring program provides funding to promote positive civic and social engagement and support educational and vocational advancement. The focus of this program is to help youth between the ages of 15 to 24 to develop social and life skills, learn American culture while maintaining and celebrating their cultural heritage, and have opportunities for social engagement with peers. The program started in FFY 2019 and CDSS has not yet determined how the funds will be allocated. In the CDSS budget, this item is included in the Refugee Support Services premise.

#### **Unaccompanied Refugee Minors Program**

The Unaccompanied Refugee Minors program provides culturally and linguistically appropriate child welfare, FC, and independent living services to unaccompanied minors in the United States. The United States Office of Refugee Resettlement places youth in specific Unaccompanied Refugee Minors programs in coordination with two resettlement agencies: the United States Conference of Catholic of Bishops and the Lutheran Immigration and Refugee Service. CDSS currently contracts with three service providers to administer the program.

### FUNDING:

Each of the above components of the CDSS Refugee Resettlement Program is 100 percent federally funded by the United States Office of Refugee Resettlement, with the exception of the California Newcomer Education and Well-Being project, which is 100 percent funded through GF.

### ELIGIBILITY:

Eligible populations include: refugees, asylees, certified trafficking victims, Cuban/Haitian entrants, and Iraqi and Afghan special immigrants. Unaccompanied Refugee Minors, those with Special Immigrant Juvenile Status, and those who have been granted U visas are also part of the eligible population.

All 58 counties are required to provide RCA to eligible individuals and CDSS determines which counties are impacted and eligible to receive Refugee Support Services funds. To receive benefits, the RCA-eligible individual may be enrolled in the program up to eight months from the date of entry, the date that asylum was granted, or the date of receipt of a trafficking certification. These individuals receive benefits up to 60 months from the date of entry, the date that asylum was granted, or the date of receipt of a trafficking certification.

A county is considered impacted if it has received 400 or more arrivals, including asylees, trafficking victims, or Special Immigrant visas, in the five most recent FFYs. Currently, there are ten impacted counties: Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento,

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Refugee Programs\*

### ELIGIBILITY (CONTINUED):

San Diego, San Francisco, Santa Clara, and Stanislaus. Some counties can opt not to accept Refugee Support Services funding.

CDSS determines which impacted counties receive Services to Older Refugees program funds. Currently, there are seven impacted counties: Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, and Santa Clara.

CDSS also selects the school districts that participate in the Refugee School Impact program based on a Request for Qualification process. Currently, these are the eight participating school districts: Cajon Valley, Glendale, Grossmont, Oakland, San Diego, San Francisco, San Juan, and Twin Rivers.

For Unaccompanied Refugee Minors services, CDSS currently contracts with Catholic Charities of Santa Clara County, Crittenton Family and Children Services of Orange County, and International Christian Adoptions of Sacramento. Eligible individuals are enrolled up to the age of 26.

### HISTORY OF MAJOR PROGRAM CHANGES:

#### 1980

##### Refugee Act of 1980 – PL 96-212

The United States Refugee Act of 1980 is an amendment to the earlier Immigration and Nationality Act and the Migration and Refugee Assistance Act, and was created to provide a permanent and systematic procedure for the admission to the United States of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

#### 1987

##### Extension of Eligible Recipients – PL 100-202, PL 100-461

With PL 100-202 and PL 100-461, Refugee Resettlement Program benefits and services were extended to match those of refugees to certain Amerasians from Vietnam who are admitted to the United States as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988.

#### 2000

##### Public/Private RCA Program – 45 CFR section 400.56

This rule amends requirements governing RCA and refugee medical assistance and provides states the option to establish the RCA program as a public/private partnership between states and local resettlement agencies or to continue the RCA program as a publicly-administered program.

#### 2008

##### Iraqi and Afghan Special Immigrants – PL 110-118 section 8120

With the Department of Defense Appropriations Act of 2010, Iraqi and Afghan individuals who have been granted special immigrant status described in section 101(a)(27) of the Immigration

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## Refugee Programs\*

### HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

and Nationality Act (8 United States Code 1101(a)(27)) are eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 United States Code 1157) to the same extent, and for the same periods of time, as such refugees.

#### **Trafficking Victims Protection and Reauthorization Act of 2008** – PL 110-457

This Act extended services for the Unaccompanied Refugee Minor program to minors who have been granted special immigrant juvenile status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 United States Code section 1101(a)(27)(J)) whom a juvenile court has declared to be dependent on the court, or whom the juvenile court has committed to or placed under the custody of a state agency, department, individual, or entity. The juvenile court must determine that reunification of the alien with one or both parents is not viable due to abuse, neglect, abandonment, or similar basis under state law. In addition, it must be determined in administrative or judicial proceedings that the return of the alien juvenile to the parents' or their country of nationality, or last habitual residence would not be in the alien's best interest.

#### **2013**

#### **Violence Against Women Reauthorization Act of 2013** – PL 113-4

This Act extended services for the Unaccompanied Refugee Minor program to minors who have been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 United States Code section 1101(a)(15)(U)).

#### **2017**

#### **California Newcomer Education and Well-Being Project** – Budget Act of 2017

AB 99 (Chapter 15, Statutes of 2017) appropriated \$10 million GF to CDSS for use over three fiscal years beginning in FY 2017-18 to provide additional services for refugees and other eligible school-age students served by the federal Office of Refugee Resettlement. In the CDSS budget, this item is referred to as the Funding for Schools with High Refugee Enrollment premise.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **Supplemental Security Income (SSI)/ State Supplementary Payment (SSP)\***

### **DESCRIPTION:**

The SSI/SSP provides a monthly cash benefit to enable aged (at least 65 years old), blind and disabled recipients to meet basic living expenses for food, clothing, and shelter. The SSA administers and issues SSI and SSP payments concurrently as a single benefit in California under a contract between SSA and the state. Each state sets its own SSP rates and living arrangement categories. All SSI recipients receive SSP, but recipients with other income exceeding the SSI payment standard may receive only SSP. The SSI payments include \$10 for food in lieu of CalFresh eligibility.

The SSA performs all functions related to the administration of SSP (e.g., receive and process the application, determine disability, detect and collect overpayments, issue payments and notices and handle appeals). The contract also contains a description of the SSP living arrangements and sets out both the state's and SSA's rights and responsibilities.

Under current federal law, states must meet the MOE requirements. Under the MOE requirements, states must either maintain the SSP levels that existed in calendar year 1983 or match the total SSP expenditures that they paid in the preceding calendar year. California has always used the payment level method to meet the MOE requirement. Failure to meet the MOE requirements would result in loss of federal funding for Medi-Cal. As the result of a COLA that took effect January 1, 2017, SSP rates are now above the minimum required to meet the MOE.

### **FUNDING:**

The SSI is a federally funded benefit. The SSP is a payment added to the SSI benefit and funded by the state's GF. In calendar year 1994, the SSA started charging a per-check administrative fee for its administration of SSP. The fee increases each year based on a COLA provided by the SSA.

### **ELIGIBILITY:**

To be eligible for SSI/SSP, a person must be at least 65 years-old, blind, or disabled (including blind or disabled children). A qualified recipient must file an application with SSA. Federal criteria are used to determine eligibility. To be eligible for SSI and maintain eligibility, a person must meet certain income and resource requirements. A qualified SSI recipient is automatically qualified for SSP.

### **HISTORY OF MAJOR PROGRAM CHANGES:**

#### **1972-1974**

#### **SSI Program** – PL 92-603

Under PL 92-603, the federally administered SSI program was established by Congress in 1972 and payments began in 1974. In the 50 states and the District of Columbia, it replaced the former federal-state programs of Old-Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled.

States were given the option of providing SSPs both to recipients transferred from the former federal-state program and to those newly eligible for SSI. When SSPs are federally administered, as in California, the SSA makes eligibility and payment determinations for the

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **Supplemental Security Income (SSI)/ State Supplementary Payment (SSP)\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

state. Basic SSI/SSP eligibility cannot be modified without a change in federal law, although states set their own living arrangements payment categories, and SSP rates that are subject to certain federal limitations.

#### **1972**

##### **COLAs – PL 92-336**

Federal law was enacted to provide COLAs, which allow Social Security and SSI benefits to keep pace with inflation, and established the procedures for issuing automatic COLAs each year, beginning in 1975. The SSI COLAs are based on increases to the CPI for Urban Wage Workers and Clerical Workers. The SSP COLAs are based on the CNI.

#### **1976**

##### **SSP MOE Set at December 1976 Levels – PL 94-585**

Federal law requires states to maintain SSPs at the level of December 1976 ("maintenance of payments") or to continue to pay in supplements the same total annual amounts ("maintenance of expenditures") when the federal SSI payment level is increased and thereby pass through any increases in federal benefits without reducing state supplements.

#### **1983**

##### **SSP MOE Adjusted to December 1983 Levels – PL 98-21**

Federal pass-through law was adjusted under PL 98-21 by substituting the SSP levels in effect in March 1983 for those in effect in December 1976 as the levels that states must maintain in complying with the pass-through requirements.

#### **1991-1998, 2004, 2006-2009**

##### **Suspension of State COLA Increases to SSPs – W&IC section 12201**

Statute authorizes the COLA for SSP recipients based on the CNI, and specifies calendar years which receive no adjustment under this section.

#### **1993, 1997, 1998-2002**

##### **Administrative Fees for SSPs – PL 103-66 and PL 105-33**

In 1993, federal law required states to pay fees for federal administration of their SSP under the Omnibus Reconciliation Act. In 1997, the schedule of pre-payment fees were revised for federal administration of SSP for FFY 1998 through 2002 and provided a formula for determining the fee beyond FFY 2002.

#### **2010**

##### **Reductions of SSP Grant to the MOE Floor – Title XX of the CFR section 416.096**

To assist in balancing the 2009-10 Governor's Budget, SSP grants were reduced. Federal funding for Medi-Cal would be lost if a state reduces SSP payments below MOE levels. The SSP grants were reduced to the minimum levels.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **Supplemental Security Income (SSI)/ State Supplementary Payment (SSP)\***

### **HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):**

#### **2011**

##### **Elimination of Statutory Requirement to Provide State COLAs to SSPs** – W&IC section 12201(g)(1)

Statute was amended to clarify that no adjustment to SSP benefits amounts shall be made unless otherwise specified by statute.

#### **2016-2017**

##### **SSP COLA (SB 1603)** – W&IC section 12201.06

The 2016 Appropriation reflected a one-time COLA to the SSI/SSP, CAPI, and California Veterans Cash Benefit program recipients. A CNI of 2.76 percent was applied to the SSP portion of the grant commencing January 1, 2017.

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\*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.



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## **Trafficking and Crime Victims Assistance Program<sup>\*</sup>**

### **DESCRIPTION:**

The TCVAP provides benefits and services to noncitizen victims of human trafficking, domestic violence, and other serious crimes. The services and benefits provided include cash assistance for up to eight months, CalWORKs services, medical assistance, employment services, social services, food assistance through CFAP, IHSS, CAPI, and Healthy Families program benefits.

### **FUNDING:**

Cash assistance and grants are funded with 97.5 percent GF and 2.5 percent county funds. Employment services, social services, administrative services, child care, IHSS, CAPI, and CFAP are funded 100 percent GF.

### **ELIGIBILITY:**

All 58 counties are required to provide state-funded benefits and services to eligible clients. TCVAP recipients must be non-citizen victims of human trafficking, domestic violence, or other serious crimes, who are otherwise ineligible for federal benefits and services. These individuals are eligible for state-funded benefits and services to the same extent as persons who are eligible under the federal Refugee Act of 1980. The time limit for benefits and services begins on the date of application and is eight months for TCVAP Cash Assistance, 48 months for TCVAP CalWORKs, and 60 months for social services. Other benefits and services (e.g., IHSS, CFAP, CAPI, etc.) are equally applicable by each program's individual time limit guidelines.

Victims of human trafficking who are not eligible for federal benefits and services are either in the process of applying for a T visa, have already applied for a T visa, or are taking the steps to become approved for federal benefits and services. To remain eligible for benefits and services, victims of human trafficking must show evidence that they have applied for the T visa within one year from the date of application for state public social services.

Victims of domestic violence or other serious crimes are victims who either have filed a formal application for a U visa, or have received a U visa.

### **HISTORY OF MAJOR PROGRAM CHANGES:**

#### **2000**

**Victims of Trafficking and Violence Protection Act** – PL 106-386 section 107(b)(1)(C), Immigration and Nationality Act section 101(a)(15)(T)(ii)

A redefined "victim of trafficking in persons" is eligible for benefits if such alien or victim (including any such alien or victim rendered ineligible for the specified Federal program during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period) has filed an application for naturalization that is pending before the Secretary of Homeland Security or a United States district court of the Immigration and Nationality Act, or has been approved for naturalization but not yet sworn in as a United States citizen, and the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending or has been approved.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

# Trafficking and Crime Victims Assistance Program<sup>\*</sup>

## HISTORY OF MAJOR PROGRAM CHANGES (CONTINUED):

### 2006

#### **Services and Benefits for Noncitizen Victims of Trafficking, Domestic Violence, and Other Serious Crimes** – W&IC section 13283, 14005.2 and 18945

Required CDSS to ensure that noncitizen victims of trafficking, domestic violence, and other serious crimes have access to cash assistance and employment services to the same extent as individuals who are admitted to the United States as a refugee under the federal Immigration and Nationality Act. The assistance and services shall be paid from state funds to the extent federal funding is unavailable.

### 1994-2013

#### **The Violence Against Women Act** – PL 103–322

Initially passed in 1994, the Violence Against Women Act created the first United States federal legislation acknowledging domestic violence and sexual assault as crimes, and provided federal resources to encourage community-coordinated responses to combating such violence. Its reauthorization in 2000 expanded the definition of crime to include dating violence and stalking. Its subsequent reauthorization in 2005 created new programs to meet the emerging needs of communities working to prevent violence, with new focus areas such as prevention, landmark housing protections for survivors, funding for rape crisis centers, and culturally and linguistically specific services. The Violence Against Women Act of 2013 ensured the continuation and improvement of these programs to maintain protections for immigrant survivors of abuse, and made changes to existing provisions including strengthening the International Marriage Broker Regulation Act and the provisions around self-petitions and U visas.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

## **Unaccompanied Undocumented Minors<sup>\*</sup>**

### **DESCRIPTION:**

CDSS awards funding to qualified nonprofit legal services organizations to provide services to eligible unaccompanied undocumented minors. Eligible unaccompanied undocumented minors are those who are present in California and transferred to the care and custody of the federal Office of Refugee Resettlement or are residing with a sponsor.

The funding is provided solely for the purpose of providing legal representation for unaccompanied undocumented minors in the filing, preparation, and representation in administrative and/or judicial proceedings for asylum, the T visa, the U visa, and/or Special Immigrant Juvenile Status. The legal services include culturally and linguistically appropriate assistance provided by attorneys, paralegals, interpreters, and other support staff for state court proceedings, federal immigration proceedings, and any appeals arising from those proceedings. Services began on December 19, 2014. All funds are available for a multi-year period due to the length of legal proceedings.

### **FUNDING:**

The funding for services for unaccompanied undocumented minors is 100 percent GF.

### **ELIGIBILITY:**

To receive funding the nonprofit organizations must have: 1) at least three years of experience in providing legal representation for at least 25 unaccompanied undocumented minors in asylum, T visa, U visa, and/or Special Immigrant Juvenile Status applications and administrative or judicial proceedings; 2) experience conducting trainings on immigration removal proceedings for asylum, T visa, U visa, and/or Special Immigrant Juvenile status to practitioners who are not their staff; and 3) experience guiding and supervising the work of attorneys who do not regularly provide legal representation for unaccompanied undocumented minors in asylum, T visa, U visa, and/or Special Immigrant Juvenile Status processes and administrative or judicial proceedings.

Additionally, the organization must be accredited under the United States Office of Legal Access Programs under the United States DOJ Executive Office for Immigration Review or meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

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<sup>\*</sup>Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.